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July 13/88 - Aug 15/88

URBAN/MUNICIPAL

AGENDAS/MINUTES OF THE  
PLANNING AND DEVELOPMENT  
COMMITTEE OF COUNCIL









## THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

1988 July 7

URBAN MUNICIPAL  
JUL 12 1988  
GOVERNMENT DOCUMENTSNOTICE OF MEETING

Planning and Development Committee  
Wednesday, 1988 July 13th  
2:00 o'clock p.m.  
Room 233, City Hall

R. C. Prowse  
Acting Secretary

A G E N D A

1. Minutes of the meetings held Wednesday, 1988 June 8 and Wednesday, 1988 June 15.

MAYOR MORROW

2. Conference on Housing Options for Older Canadians - 1988 October 18-20 - Halifax, Nova Scotia.

ALDERMAN CHRISTOPHERSON

3. Ontario Municipal Hearing - Authorization of Staff attendance - Committee of Adjustment decision.

ALDERMAN AGOSTINO

4. Battleridge Subdivision - Grading - (no copy).
5. Fees charged by the City for zoning changes - (report to be presented at the meeting).







BUILDING COMMISSIONER

6. Demolition Permit Applications.
7. Second Level Lodging House By-law - Inspection and Enforcement by the Building Department. Implementation of Government Funding Programme.

MANAGER OF PURCHASING

8. Downtown Hamilton Action Plan Phase V Light Fixtures.

DIRECTOR OF COMMUNITY DEVELOPMENT

9. Second Level Lodging Home Programme Applications.
  - (a) 132 Bold Street
  - (b) 130 Bold Street
  - (c) 110-112 Stinson Street
10. Designated Property Grant - 51 Stuart Street (Custom House).
11. Ontario Home Renewal Programme loan - (Private and Confidential).
12. Commercial Facade Loan Programme.
  - (a) 7 & 11 Mary Street.
  - (b) 66 Ottawa Street North.

COMMISSIONER OF ENGINEERING

13. Cash payment in lieu of 5% Parkland dedication - Appleridge Estates.
14. Drainage By-Law.
15. Modified Subdivision Agreement - south-west corner of Upper Gage Avenue and Rymal Road, Hamilton.

DIRECTOR OF PROPERTY

16. Extension of Construction Covenants - Rymal Road East, Ontario Auto Collision Limited.
17. Sale of City land - Anchor Road - Stone Church Industrial Park.







DIRECTOR OF LOCAL PLANNING

18. Subdivision Application 88-06 - west of Upper Gage Avenue and north of Rymal Road East.
19. Subdivision Application 88-09 - east of Upper Gage Avenue and south of Stone Church Road.
20. Amendment to Subdivision Application 87-24 - north of Rymal Road East and east of Upper James Street.
21. O.M.B. Hearing - Committee of Adjustment applications - directive for staff attendance.
  - (a) Application A-88-40 - 554 James Street North.
  - (b) Application A-88-74 - 229 Strathearne Avenue.
  - (c) Application A-88-50 - 190 Delaware Avenue.
  - (d) Application A-88-19 - 1518 Barton Street East.
22. High Density Residential Study.
23. Municipal Housing Statement Update Progress Report - results of Assisted Housing Survey.
24. Terms of Reference - Housing Intensification Study.
25. Proposed Amendment No. 36 to the Hamilton Wentworth Official Plan (Proposed Arterial Road - Stoney Creek).
26. Proposed Official Plan and Zoning By-law Amendments for the Hydro Corridor lands located south of the City of Hamilton (Township of Glanbrook) - report to follow.







ZONING APPLICATIONS

3:00 O'CLOCK P.M.

ROOM 233

3:00 o'clock p.m.

27. Zoning Application 83-45, Sunoco Inc. and Rosart Properties Inc., owners, for a change in zoning from "AA" and "C" to "G-1" for land at the south-east corner of Stone Church Road East, No. 688 Stone Church Road East and No. 1411 Upper Sherman Avenue; Eleanor Neighbourhood.
28. Zoning Application 87-82, G. and F. Seymour, owners, for a further modification to the "E" District regulations for property at Nos. 60-62 West Avenue South; Stinson Neighbourhood.

3:15 o'clock p.m.

29. Zoning Application 88-12, Wentwall Development Inc., owner, for a change in zoning from "AA" to "D", "G-1" and "E-2" for land municipally known as No. 401 Rymal Road East; Barnstown Neighbourhood.
30. Zoning Application 88-30, S. Kasprazak, prospective owner, for a change in zoning from "AA" and "C" to "RT-20" for properties at Nos. 1515 and 1523 Upper Gage Avenue; Templemead Neighbourhood.

3:30 o'clock p.m.

31. Zoning Application 88-33, F. and C. Cimino, owners, for a change in zoning from "AA" to "C" for property at No. 739 Stone Church Road West; Falkirk West Neighbourhood.
32. Zoning Application 88-36, E. Mascia and M. C. Finocchio, owners, for a change in zoning from "AA" to "E" for property on the east side of West Fifth Street in the area south of Stone Church Road West; Mewburn Neighbourhood.

3:45 o'clock p.m.

33. Zoning Application 88-40, S. and A. Riccio Development Inc., owner, for a change in zoning from "AA" and "C" to "HH" for properties at Nos. 1379-1383 Upper James Street; Ryckman's Neighbourhood.
34. Other Business.
35. Adjournment.





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Wednesday, 1988 June 8  
1:30 o'clock p.m.  
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman  
Alderman D. Ross, Vice-Chairman  
Mayor Robert M. Morrow  
Alderman T. Cooke  
Alderman D. Christopherson  
Alderman W. McCulloch  
Alderman D. Agostino  
Alderman B. Hinkley

Regrets: Alderman H. Merling - Regional Business

Also present: Alderman T. Murray  
Alderman R. Wheeler  
Alderman M. Kiss  
Alderman G. Copps  
Mr. L. Sage, Chief Administrative Officer  
Mr. K. Rouff, City Solicitor  
Mr. B. Loreto, City Solicitor's Office  
Mr. V. Abraham, Director of Local Planning  
Mr. J. Zipay, Planning Department  
Mr. P. Lampman, Building Department  
Mr. P. Mallard, Planning Department  
Mr. A. Georgieff, Planning Department  
Ms. C. Floroff, Planning Department  
Mr. J. Pavelka, Director of Public Works  
Mr. D. Godley, Planning Department  
Mr. K. Lapins, Regional Engineering  
Mr. M. Sabelli, Planning Department  
Ms. E. Toews, Planning Department  
Mr. V. Matus, Planning Department  
Mr. B. Allick, Building Department  
Ms. L. Lawrence, City Solicitor's Office  
Mrs. V. Grupe, Planning Department  
Mr. M. Watson, Real Estate Division  
Mr. P. Hooker, City Solicitor's Office  
Mr. J. Ford, Health Unit  
Mr. J. Sakala, Planning Department  
Mr. R. Karl, Traffic Department  
Mrs. Susan K. Reeder, Secretary

Moved by Alderman McCulloch, seconded by Alderman Ross and carried that the meeting move IN CAMERA to discuss several matters of a private and confidential nature.

IN CAMERA.

Following this IN CAMERA discussion the Committee then moved into the regular session and it was moved by Alderman Ross, seconded by Alderman McCulloch and carried to APPROVE the following:

Zoning matters -  
Hamilton Harbour -  
O.M.B. Hearing.

That the City Solicitor be directed to take the necessary steps to proceed with an Ontario Municipal Board Hearing with respect to zoning matters pertaining to the Hamilton Harbour.

The Committee was in receipt of the minutes of their meeting held Tuesday, 1988 May 10th and Wednesday, 1988 May 11th. Alderman Cooke indicated that he was not listed as in attendance at the May 10th meeting although he was there. The Committee agreed that this amendment should be made and the above-noted minutes were then APPROVED.

Minutes -  
1988 May 10  
1988 May 11

High Density  
Residential  
Development Study.

The Committee was in receipt of a report from the High Density Residential Development Advisory Committee dated 1988 June 1 respecting their recommendations. The Committee was also in receipt of a report from the Commissioner of Planning and Development dated 1988 June 1 respecting the study.

Mr. Rob Diamond, A. J. Diamond, Consultant made a presentation to the Committee on this matter.

Mr. D. Godley of the Planning Department outlined the objectives of the study and advised the Committee of the study members who served on the Committee. Mr. Godley then outlined the aspects of the report of the High Density Residential Development Advisory Committee as well as the staff comments on this report.

The Committee was in receipt of a submission dated 1988 June 8th from Reverend Charles H. Forsyth, member of CAPIC and Minister of First Pilgrim Church.

General discussion ensued on the recommendations of the Advisory Committee and the comments of staff. Some confusion ensued on the two reports and it was moved by Alderman Christopherson, seconded by Alderman Ross and carried that this report be referred to the Planning and Development Department in order that it can be "cleaned-up" and brought back to the Committee in a fashion which would clearly outline the conclusions recommended by staff (i.e. Section 2(b) of the Agenda which refers to the staff comments on the Advisory Committee's recommendations).

Proposed Plan  
of the Kernighan  
Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 May 31 respecting the Proposed Plan of the Kernighan Neighbourhood.

Mr. D. Godley of the Planning Department outlined this Plan to the Committee.

Mr. Don Jeffrey, a representative of the Social Planning and Research Council appeared before the Committee. He advocated a strong need for affordable housing and indicated that the proposed rezoning of areas in the Kernighan Neighbourhood for townhousing will allow for affordable housing and that low and moderate income families need this type of development.

Mr. Jeffrey advocated the importance of integrated neighbourhoods to allow all families of varying incomes to choose the location of the City they wish to live in. Mr. Jeffrey supports the Plan and Policies along with the two zoning applications for the Kernighan Neighbourhood and encourages the City to work with the Social Planning and Research Council to ensure that affordable housing projects are being built in the City.

Mr. Marcel Mongeon, Dyzak Enterprises spoke to the Committee. He indicated that he sees a need for affordable housing and supports the Plan.

Mr. Spencer, of Stone Church Road spoke to the Committee and indicated that he is opposed to the Townhousing applications.

Mr. Baker, 898 West 5th Street spoke in opposition to the townhousing applications and added that he feels that the City is not responsible for the high cost of housing.

The owner of property at 922 West 5th Street spoke to the Committee in opposition to townhousing.

Mr. Wasserman, 229 King Street East spoke to the Committee as the applicant for property on the north-east corner of Stone Church Road West and West 5th Street. He disagrees that townhousing affects the value of single family homes and sees a need for this type of affordable housing. Mr. Wasserman also added that putting single family homes on this property would mean 10 to 12 driveways pulling onto the main highway unlike one main access of a townhouse development.



Following considerable discussion on this matter by the Committee, it was moved by Alderman Christopherson, seconded by Alderman Agostino and carried to APPROVE the following:

That the Proposed Plan for the Kernighan Neighbourhood, attached hereto as APPENDIX "A" and the Draft Policies for the Kernighan Neighbourhood Plan, attached hereto as APPENDIX "B" BE APPROVED.

Recorded vote:

Yeas: Smith, McCulloch, Cooke, Christopherson, Hinkley, Agostino

Nays: Ross

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 May 20th respecting Zoning Application 88-14 for property on the north-east corner of West 5th Street and Stone Church Road West.

Zoning Application  
88-14 - north-east  
corner of West 5th  
Street and Stone  
Church Road West.

The Committee APPROVED the following:

That APPROVAL be given to Zoning Application 88-14, Marvin J. Wasserman, owner, for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse and Maisonette) District, for property located at the north-east corner of West 5th Street and Stone Church Road West, as shown on the attached map marked as APPENDIX "C", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse and Maisonette) District;
- (b) That the City Solicitor be directed to prepare a By-Law to amend Zoning By-law No. 6593 and Zoning District Map W-9C;
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse and Maisonette) District for property located at the north-east corner of West 5th Street and Stone Church Road West.

The effect of the By-law is to permit development of the subject lands for the purpose of permitting townhouse dwellings.

Recorded vote:

Yeas: Smith, McCulloch, Cooke, Christopherson, Hinkley, Agostino

Nays: Ross

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 May 25 respecting Zoning Application 88-38 for property at 945 West 5th Street.

Zoning Application  
88-38 - 945 West  
5th Street.

The Committee was in receipt of a letter in opposition to this application for townhousing from Mr. Doug Arnold, 925 West 5th Street.

The Committee APPROVED the following:

- (a) That Zoning Application 88-38, Vincent Citino, owner, requesting a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District (Block "2"), to permit the development of the subject lands for townhouses, for the lands located at No. 945 West 5th Street, as shown on the attached map marked as APPENDIX "D" BE DENIED as submitted for the following reasons:
- (i) It conflicts with the proposed Kernighan Neighbourhood Plan which designates the lands for single and double housing. In addition, the subject lands are located within the proposed local road.
  - (ii) There is sufficient land (2.1 ha. on the northeast corner of Stone Church Road East and West Fifth Street) designated for townhouses in the proposed draft plan.
- (b) That APPROVAL be given to an amended Zoning Application for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, (Blocks "1" and "2") to permit the development of the subject lands for future single family dwellings, for the lands located at No. 945 West 5th Street, as shown on the attached map marked as APPENDIX "D", on the following basis:
- (i) That Blocks "1" and "2" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.
  - (ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9C; and,
  - (iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Area.

NOTE: The purpose of this by-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for the lands located at No. 945 West 5th Street.

The effect of the by-law is to permit the development of the subject lands for single family dwellings.

Day Nurseries -  
Policies and  
Controls.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 May 2 respecting Day Nurseries - Policies and Controls.

Mr. D. Godley of the Planning Department spoke to the Committee on this report.

Mrs. Stella Curtis, 167 Laurier Avenue spoke to the Committee. She requested clarification on the rules for as-of-right zoning and changes to increased Day Care numbers.

Mrs. McPherson, West Mount Children's Centre, 689 West 5th Street spoke on the recommendations which limit the number of children in a Day Care.

Mrs. Ann Weisz, 103 Laurier Avenue spoke to the Committee and expressed concerns at the inadequate parking in area Day Cares.



The Committee was in receipt of an addendum submitted to the Committee from the Planning and Development Department dated 1988 May 25. This addendum was provided to the Committee as additional information since the Day Nurseries Item was tabled at the Planning and Development Committee at its meeting held 1988 May 11th.

The Committee was also in receipt of a submission from the Social Planning and Research Council dated 1988 May. The Committee was also in receipt of a letter from Mrs. Judith Preston, Director, The Playstop Limited, Laurier Child Care Centre dated 1988 June 1.

The Committee then discussed this matter in great length and APPROVED the following:

- (a) That as part of the Official Plan's five-year review or annual update, Day Nurseries be permitted in all land use designations where:
  - (i) parking is readily available and/or a drop-off/pick-up zone is provided;
  - (ii) it is demonstrated by the proponent, to the satisfaction of Council, that the use will not create noise and traffic problems.
- (b) That the definition of Day Nursery in the Zoning By-law 6593, Section 2(2)B(ii) be amended to make it conform with the current Day Nurseries Act, defined as:

"A premises that receives more than five children who are not of common parentage, primarily for the purpose of providing temporary care, or guidance, or both temporary care and guidance, for a continuous period not exceeding twenty-four hours, where the children are:

- (i) under eighteen years of age in the case of a day nursery for children with a developmental handicap; and,
  - (ii) under ten years of age in all other cases, but does not include;
  - (iii) part of a public school, separate school, private school or a school for trainable retarded children under the Education Act; or,
  - (iv) a place that is used for a program of recreation and that is supervised by a municipal recreation director who holds a certificate issued pursuant to Section 10 of the Ministry of Culture and Recreation Act."
- (c) That Zoning By-law 6593 be amended by allowing Day Nurseries in the following districts:

E	(Multiple Dwellings, Lodges, Clubs, etc.) District
E-1	(Multiple Dwellings, Lodges, Clubs, etc.) District
E-2	(Multiple Dwellings) District
E-3	(High Density Multiple Dwellings) District
U	(University District)
G	(Neighbourhood Shopping Centre, etc.) District
G-1	(Designated Shopping Centre) District
G-2	(Regional Shopping Centres) District
G-4	(Designated Neighbourhood Shopping Centre Area District)

H (Community Shopping and Commercial, etc.) District  
 HH (Restricted Community Shopping and Commercial)  
 District  
 I (Central Business District, etc.)  
 HI (Civic Centre Protected Districts)  
 CR-1 (Commercial Residential) District  
 CR-2 (Commercial Residential) District  
 CR-3 (Commercial Residential) District  
 J (Light and Limited Heavy Industry, etc.) District  
 JJ (Restricted, Light Industrial District)  
 K (Heavy Industry, etc.) District  
 KK (Restricted Heavy Industrial District)  
 M-11, 12, 13, 14, 15 (Prestige Industrial) District

(d) That Day Nurseries be permitted in the following districts:

AA (Agricultural) Districts  
 B (Suburban Agricultural and Residential, etc.)  
 District  
 B-1 (Suburban Agricultural and Residential, etc.)  
 District  
 B-2 (Suburban Residential) District  
 C (Urban Protected Residential, etc.) District  
 D (Urban Protected Residential - One and Two-Family  
 Dwellings, Townhouses, etc.) District  
 R-2 (Small Lot Single Family Detached) District  
 R-4 (Urban Protected Residential - One and Two-Family  
 Dwellings, etc.) District  
 RT-10 (Townhouse) District  
 RT-20 (Townhouse - Maisonette) District  
 RT-30 (Street - Townhouse - District)  
 DE (Low Density Multiple Dwellings) District  
 DE-2 (Multiple Dwellings) District  
 DE-3 (Multiple Dwellings) District

subject to the following:

- (i) it is located within a school, church, community centre or other public building; or
  - (ii) it has a maximum number of 25 children and is situated on a lot which is more than 180 metres from the lot line of any other tract of land occupied by a Day Nursery other than those located in a school, church, community centre or other such public building.
  - (iii) that notwithstanding Section 18A(14), no parking shall be permitted in a front yard except within the access driveway leading to the required parking spaces.
- (e) That the amending By-law recognizes those Day Nurseries existing at the date of the passing of the existing by-law as legal conforming uses;
- (f) That Zoning By-law 6593 be amended to require Day Nurseries to provide a parking or a loading zone to drop off and pick up children at a ratio of one stacked car space per six children; and
- (g) That Day Nurseries in all districts be placed under Site Plan Control.



- (h) That Private Home Day Care be defined in the zoning by-law as follows:

"Temporary care of 5 or fewer children under 10 years of age in a private residence other than the home of a parent or guardian of any of the children. This care is given for compensation or reward, under the supervision of a private-home day care agency and must not exceed a period of 24 hours."

- (i) That Section 3(3)(ia) be inserted in the by-law and read as follows:

"A private home day care is permitted within a dwelling unit."

As an added item Alderman Christopherson brought to the Committee's attention the problem he is having with property at 293 Tragana Avenue North.

Property at  
293 Tragana Avenue  
North.

The Committee was in receipt of an Information Report from the Building Commissioner dated 1988 June 8 respecting the deteriorating condition of this property.

Dr. Cunningham of the Health Unit was in attendance at this meeting and reported on this situation. Mr. P. Hooker of the City's Solicitors Department was also in attendance and reported, as well as Mr. B. Allick of the Building Department.

Mrs. Hepburn, the immediate neighbour of the property spoke to the Committee about the condition of the property and the discomfort this is having on the neighbourhood.

A great deal of discussion ensued on this matter and it was then moved by Alderman Christopherson, seconded by Alderman Hinkley and CARRIED:

That staff be directed to expedite as quickly as possible the following:

- (a) That the Health Unit issue an Order condemning the house as unfit for human habitation.
- (b) That as soon as this order has been issued that the Building Department seek admission to the house for the purpose of examining the structural condition of the house.
- (c) That the firm handling the City's litigation files proceed as quickly as possible with a Contempt of Court/Appointment of Trustee Application to a High Court Judge against the owner of the property at 293 Tragana Avenue North.
- (d) That staff be requested to report back on this matter to the Planning and Development Committee as well as the Ward Aldermen and the Mayor.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 May 18 respecting Site Plan Control Application DA-88-27 for property at 7-23 Gurnett Drive.

Site Plan Control  
Application  
DA88-27 -  
7-23 Gurnett Drive.

The Committee APPROVED this Site Plan Control Application as follows:

That APPROVAL be given to Site Plan Control Application DA-88-27 by Hamilton Portuguese Community Home Inc., owners of lands known as 7-23 Gurnett Drive.

- (a) Modification to the plan in relation to notes and dimensions as marked in red on the plans; and

Article - "In Search of Innovation in the Cities" .  
Report - Alderman Hinkley - American Planning Conference.

The Committee was in receipt of an article forwarded to them from the Mayor from the Christian Science Monitor dated 1988 May 3rd entitled "In Search of Innovation in the Cities". The Committee agreed to RECEIVE this article.

The Committee was in receipt of a report from Alderman Brian Hinkley dated 1988 May 18th respecting his recent attendance at the American Planning Association Conference held in San Antonio, Texas on 1988 April 30 - May 4.

Alderman Hinkley spoke to the Committee on this Conference and encouraged new members of Council to attend these types of conferences. Alderman Hinkley also noted that the City of San Antonio has what is known as a "History Walk" which he found worthy of investigation for possible implementation of such a programme in the City of Hamilton.

Demolition  
Permit Applications.

The Committee was in receipt of a report from the Building Commissioner dated 1988 June 7 respecting demolition permit applications.

The Committee APPROVED the following:

That the Building Commissioner be authorized to issue demolition permits for the demolition of the following properties:

- (a) 432 Ferguson Avenue North
- (b) 938 Upper Paradise Road
- (c) 922 Upper Paradise Road
- (d) 912 Upper Paradise Road
- (e) 22 East 7th Street
- (f) 140 Burlington Street East
- (g) 1468 Upper James Street
- (h) 310 Britannia Avenue
- (i) 153 Nash Road North
- (j) 25 Gerrard Street

Administration -  
Lot Grading.

The Committee was in receipt of a report from the Building Commissioner dated 1988 June 8 respecting the administration aspects of the recently approved lot grading obligations for subdivisions.

Considerable discussion ensued on this matter and following one amendment to clause (a)(iii) to eliminate the words "or block" after the words "per lot", it was moved by Alderman Merling, seconded by Alderman Christopherson and carried to APPROVE the following:

That for the purpose of implementing the new lot grading obligations for subdivisions approved by City Council on 1988 February 29, the following BE APPROVED:

- (a) That the form of the City's Subdivision Agreement be revised for all Subdivision Agreements executed by the City on or after 1988 August 1, as follows:
  - (i) That Subdividers be required to provide the City with their Engineer's Certificate (on compliance with the lot grading obligations) within six (6) months of the insulation inspection date, and;



- (ii) That if the Engineer's Certificate is not received within the six (6) month period, or if received, is not in compliance with the provisions of the Subdivision Agreement, that the City may obtain, at the Subdivider's expense, the required Certificate and recover the cost thereof out of the security held by the City pursuant to the Subdivision Agreement, and;
  - (iii) That Subdividers be required to pay a "Lot Grading Inspection Fee" in the amount of \$153.00 per lot to cover the costs incurred by the Engineering and Building Departments in reviewing, approving, inspecting and enforcing each subdivision's lot grading plan and detailed grading plans.
- (b) That the Building Department budget be increased by \$75,518. to accommodate the hiring of two additional Building Inspectors and one stenographer commencing 1988 September 1, and;
- (c) That the Finance Committee be requested to recommend the method of financing.

NOTE: The Building Department Budget will be increased by \$75,518. in Year 1 and \$127,554. in Year 2. If 1000 houses are built per year the annual revenue generated by the "Lot Grading Inspection Fee" will be \$153,000.

For the information of the members of City Council, staff have been requested to investigate measures that can be taken on grading problems occurring in established areas.

During discussion on this matter the Committee AGREED that:

"That staff be directed to investigate measures that can be taken on grading problems occurring in established areas.

NOTE: It was indicated that the recommendations respecting lot grading recently approved by City Council would not apply to difficulties being encountered by people in established areas, i.e. Neighbours raising their grading and creating difficulties for abutting properties.

It was suggested that Provincial legislation may be required to allow the Municipality to address these difficulties."

It was also suggested at the Committee that the possibility of compiling a brochure on Solutions and Citizen's Rights with Reference to Lot Grading Matters be produced for use by the Aldermen for their residents who are experiencing these type of problems, as well as for distribution at other areas around the City.

As an added item Alderman Christopherson presented a memo addressed to himself from Mr. P. Lampan of the Building Department dated 1988 June 14th respecting the inspection and enforcement by the Building Department of the Second Level Lodging House By-law.

Alderman Christopherson presented this matter to the Planning and Development Committee in order that the Committee be made aware of the problems which may be encountered as a result of no inspections of Second Level Lodging Houses.

Grading in established areas.

Brochure on Grading

Inspection and Enforcement of the Second Level Lodging House By-law.

Following considerable discussion on this matter the Committee APPROVED the following:

"That a funding report be submitted by the Building Department to the Planning and Development Committee on the cost required to ensure that inspection enforcement by the Building Department is carried out on Second Level Lodging Houses as per the City's By-law".

Application -  
Heritage  
Programme and  
Designated  
Property Grant.

The Committee was in receipt of a Private and Confidential Report from the Director of Community Development dated 1988 May 25 respecting the City of Hamilton Heritage Programme and a Designated Property Grant.

The Committee APPROVED the following:

- (a) That the Department of Community Development be directed to process a Designated Property Grant in the amount of \$4,850. to Mr. Carl Kopriva, owner of 233 and 235 Locke Street North (Castle Dean), and;
- (b) That the Department of Community Development be directed to process an increase in the Community Heritage Trust Fund Loan to Mr. Carl Kopriva, owner of 233 and 235 Locke Street North (Castle Dean), in amount of \$4,850. at six percent interest, amortized over a ten year period.

Application -  
Commercial Facade  
Loan.

The Committee was in receipt of a report from the Director of Community Development dated 1988 June 2 respecting a Commercial Facade Loan Application.

The Committee APPROVED the following:

That a Commercial Facade Loan in the amount of \$12,546. be approved for F. B. Smith McKay Florists Ltd., owners of 238 James Street North.

NOTE: The interest rate will be 4.5 percent, amortized over 10 years.

1988-1991 Sub-  
mission - Business  
Improvement Area -  
Commercial  
Improvement  
Programme.

The Committee was in receipt of a report from the Director of Community Development dated 1988 June 14 respecting the 1988-1991 Submission for the Business Improvement Area - Commercial Improvement Programme.

The Committee APPROVED the following:

- (a) That, the staff recommendations based on the Business Improvement Area Commercial Improvement Programme submissions, attached hereto and marked APPENDIX "E", BE APPROVED at an estimated gross cost of \$599,170; and,
- (b) That, the Department of Community Development be authorized to implement the recommendations in (a) above.

NOTE: On 1987 January 29, City Council approved the Department of Community Development's Capital budget submission of five hundred thousand dollars (\$500,000.) per year for the next five (5) years for a total of two million, five hundred thousand dollars (\$2,500,000.), for the Commercial Improvement Programme. City Council, at its meeting held 1987 May 26, adopted Item #1 from the 12th Report of the Executive Committee for 1987, recommending that the Commercial Improvement Programme be proceeded with at an estimated gross cost of two million, five hundred thousand dollars (\$2,500,000.).



Between February and May of 1987, submissions were accepted for the Programme from all eligible B.I.A.'s. In 1987 there were six (6) B.I.A.'s that made application and were eligible for the Commercial Improvement Programme and this year there are seven (7), the newest being the Barton General B.I.A.

For the purpose of reviewing these applications a staff advisory committee was established in 1987 and again in 1988, comprised of representatives of all affected departments. Based on this expertise APPENDIX "E" has been formulated.

The Committee was in receipt of a report from the City Treasurer dated 1988 June 1 respecting the final release of holdback for architectural services for the Downtown Action Plan - Phase V.

The Committee APPROVED the following:

"That total holdback in the amount of \$5,850. be released to S. M. Roscoe Architect Inc. for the completion of the contract, P.O. 24473, for the architectural services for the Downtown Action Plan - Phase V pending receipt by the Treasury Department of the standard release forms from the contractor and City Solicitor's Department".

The Committee was in receipt of a report from the Commissioner of Engineering dated 1988 May 26 respecting Cardinal Heights Addition No. 5, Phase 3, Lot 5.

The Committee APPROVED the following:

That the City NOT TAKE ANY FURTHER ACTION with respect to Lot 5, Cardinal Heights Addition No. 5, Phase 3, providing Starward Homes Ltd. offers \$1,200. to the owner of Lot 5 for settlement on lot grading.

**NOTE:** Cardinal Heights Addition No. 5, Phase 3, is a subdivision where the grading was to be completed several years after the initial construction, with the resulting fence erection and landscaping before the last of the grading disputes are settled. This has made it difficult to settle the dispute on Lot 5.

The grading in the vicinity of Lot 5 is reasonable, but Lot 5 is somewhat lower than the surrounding lands because of changes which were done on the surrounding lands several years ago. Lot 5 grading itself is not extremely bad, but slight improved drainage would be beneficial. In order to achieve this, a number of meetings were held by the subdivider's staff, his consultant, City staff and the owner of Lot 5. Many solutions were proposed, but the owner kept insisting that the neighbour's lands should be lowered, which in the other's opinion, was not reasonable. Finally, after many more phone calls, the owner sent the City a letter in which he indicated what he considers acceptable. This, in turn, involves the lands of the other owners.

It is the staff's opinion that, while Lot 5 is not graded perfectly, there is no serious drainage problem on it. Furthermore, the owner has turned down the subdivider's proposal to regrade, and the Regional staff's solution, which was a catch basin.

It is therefore recommended that the City not take any further action on the agreement, providing the owner is offered \$1,200. compensation for nuisance.

Final Release of  
Holdback -  
Architectural  
Services - Downtown  
Action Plan -  
Phase V.

Cardinal Heights  
Addition No. 5,  
Phase 3, Lot 5.

Cash in lieu of  
Parkland.

The Committee was in receipt of a report from the Commissioner of Engineering dated 1988 May 25 respecting a cash payment in lieu of parkland for a Aquila Place - Phase 2.

The Committee APPROVED the following:

- Aquila Place -  
Phase 2.

- (a) That the Corporation of the City of Hamilton accept the sum of \$4,200. as cash payment in lieu of the 5% dedication in connection with "Aquila Place - Phase 2", Hamilton, this being the cash requirement under Section 50 of the Planning Act.

NOTE: These lands are located south of Limeridge Road and west of Upper Wentworth Street in the Crerar Neighbourhood, Hamilton.

The Committee was in receipt of a report from the Commissioner of Engineering dated 1988 May 5 respecting a cash payment in lieu of parkland for Wisemount Forest Survey - Phase 4.

The Committee APPROVED the following:

- Wisemount  
Forest Survey -  
Phase 4.

- (b) That the Corporation of the City of Hamilton accept the sum of \$7,500. as cash payment in lieu of 5% dedication in connection with "Wisemount Forest Survey - Phase 4", Hamilton, this being the cash requirement under Section 50 of The Planning Act.

NOTE: The lands are located south of Mohawk Road and west of Upper Kenilworth Avenue in the Lisgar Neighbourhood, Hamilton.

The Committee was in receipt of a report from the Commissioner of Engineering dated 1988 May 5 respecting a cash payment in lieu of parkland for Rushdale Manor.

The Committee APPROVED the following:

- Rushdale Manor.

- (c) That the Corporation of the City of Hamilton accept the sum of \$4,760. as cash payment in lieu of 5% dedication in connection with "Rushdale Manor", Hamilton, this being the cash requirement under Section 50 of The Planning Act.

NOTE: These lands are located south of Limeridge Road and west of Upper Sherman Avenue in the Rushdale Neighbourhood, Hamilton.

The Committee was in receipt of a report from the Commissioner of Engineering dated 1988 May 5 respecting a cash payment in lieu of parkland for DiCenzo Gardens - Phase 3.

The Committee APPROVED the following:

... DiCenzo Gardens -  
Phase 3.

- (d) That the Corporation of the City of Hamilton accept the sum of \$3,720. as cash payment in lieu of 5% dedication in connection with "DiCenzo Gardens - Phase 3", Hamilton, this being the cash requirement under Section 50 of The Planning Act.

NOTE: These lands are located south of Stone Church Road and west of Upper Wellington Street in the Ryckman Neighbourhood, Hamilton.



The Committee was in receipt of a report from the Director of Property dated 1988 June 3 respecting a sale by the City, Part 10, Plan 62R-6188 - Keefer Court - Kenora Industrial Park.

Sale by the City -  
Part 10, Plan 62K-  
6188 - Keefer Court.

The Committee APPROVED the following:

That the Offer to Purchase the lands of the City of Hamilton known as Part 10, Plan 62R-6188, duly executed by the Purchaser, Aiden Tuite on 1988 March 15, and approved by City Council on 1988 April 26, (Item 13 of the 9th Report of the Planning and Development Committee) BE AMENDED as follows:

- (a) Clause 7 - the closing date be extended from 1988 June 6 to 1988 August 31.

NOTE: All other conditions of the agreement shall remain the same and time is of the essence.

The Committee was in receipt of a report from the Director of Property dated 1988 June 6 respecting the rental of property at 10, 12, 14 and 24 Gerrard Street.

Rental of Property -  
10, 12, 14 and 24  
Gerrard Street.

The Committee APPROVED the following:

- (a) That the vacant lots at 10, 12, and 14 Gerrard Street measuring approximately 74 feet by 80 feet and the vacant lot at 24 Gerrard Street measuring approximately 19 feet by 80 feet BE RENTED to Philip Enterprises Inc. on a monthly basis commencing 1988 July 1 at a rental of \$280. per month plus taxes estimated at \$1,400. for the year 1988.
- (b) That the Mayor and City Clerk be authorized to execute the Tenancy Agreement.

NOTE: The above mentioned properties have been purchased by the City of Hamilton in connection with the acquisition of land in the Alpha Enclave (West) Phase I.

The lands are to be rented on a monthly basis until the assembly in the area is completed.

The Committee was in receipt of a report from the Director of Property and Co-Ordinator of the L. D. Jackson Square dated 1988 May 24 respecting First Phase - L. D. Jackson Square - Cinema Expansion.

Cinema Expansion --  
First Phase -  
L. D. Jackson Square

The Committee APPROVED the following:

- (a) That the City, in its capacity as Landlord, GRANT CONDITIONAL APPROVAL to First Phase Civic Square Limited to expand the cinemas within the first phase of the L. D. Jackson Square, the expansion contemplating the creation of an additional building coverage of approximately 14,000 square feet at the Plaza Level, subject to First Phase:-
- (i) complying with the requirements of the Ground Lease, including additional ground lease payment,
- (ii) complying with all Federal, Provincial, Regional and Municipal laws, by-laws, requirements and regulations,
- (iii) providing the detailed plans and drawings for approval in accordance with the Ground Lease,
- (iv) executing any amendments to the Ground Lease, if formal amendments prove necessary.

- (b) That the Lessee, First Phase Civic Square Limited, be informed that this approval is preliminary only and is subject to the required plans, drawings and other documentation required by the Ground Lease and Development Agreement being received and approved by Council or the Co-Ordinator of the L. D. Jackson Square as the Review Authority, as the case may be, prior to final approval being given and prior to the commencement of any physical alteration to the leased premises and that the Lessee should act accordingly.
- (c) That the City agree to reducing the publicly usable open space on the Plaza Level by the area of the proposed cinema expansion.

Release of building  
covenants -  
61 Burford Road.

The Committee was in receipt of a report from the Director of Property dated 1988 May 18 respecting the release of building covenants - Robertson-Irwin Limited - 61 Burford Road, Part of Lot 2 and Lots 3 and 4, Plan 1382, Grayside Industrial Estate No. 1.

The Committee APPROVED the following:

That the City Solicitor BE AUTHORIZED to prepare a Quit Claim Deed from the City of Hamilton to the present owners of 61 Burford Road, Hamilton, to release the property from the construction covenants to the City as contained in deed number 130663 A. B. (Lots 3 and 4) and deed number 208866 A.B. (part Lot 2).

Extension of  
Commencement and  
Completion Dates -  
140 Nebo Road.

The Committee was in receipt of a report from the Director of Property dated 1988 May 18 respecting the extension of commencement and completion dates of construction for the City Sale of Lot 18, Plan M-227 (140 Nebo Road).

The Committee APPROVED the following:

That the Offer to Purchase the lands of the Corporation of the City of Hamilton being composed of Lot 18, Plan M-227, Hamilton Industrial Park No. 1, duly executed on 1987 September 3, by the Purchaser, Fin-Par Enterprises Inc., and approved by City Council on 1987 September 29, (Item 20 of the 17th Report of the Planning and Development Committee) BE AMENDED as follows:

- (a) the commencement of construction date be extended from 1988 June 2 to 1988 October 2, and;
- (b) the completion of construction date be extended from 1989 June 2 to 1989 October 2.

NOTE: A request from the Solicitor for the Owners, for a four month extension of the construction commencement and completion dates has been received. He advises that the Owners had entered into an agreement to construct a building for lease. However, the firm has now indicated that it no longer wishes to take possession of the said building. The Owner is now required to find a new tenant and re-draft their architectural plans and specifications for its 12,000 minimum square foot building.

In view of the delay caused by this predicament, the Director of Property supports the extension.



The Committee was in receipt of a report from the Director of Property dated 1988 May 13 respecting the release of building covenants - 708628 Ontario Limited - 51 and 52 Keefer Court (Parts 11, 12, 13 and 14 - Plan 62R-7820).

Release of building covenants - 51 and 52 Keefer Court.

The Committee APPROVED the following:

That the City Solicitor BE AUTHORIZED to prepare a Quit Claim deed from the City of Hamilton to the present owners of 51 and 52 Keefer Court, Hamilton, Ontario, to release the property from the construction covenants to the City as contained in deed number 410029 CD.

The Committee was in receipt of a report from the Director of Property dated 1988 May 13 respecting covenants to preserve property in favour of the City - 66 Arkledun Avenue.

Covenants to preserve property in favour of the City - 66 Arkledun Avenue.

The Committee APPROVED the following:

That Mr. Peter Spitman, the present registered owner of 66 Arkledun Avenue, BE INFORMED that the City has elected not to exercise its right to receive notice of the property sales prior to his taking title to this property, but that the City reserves its right pursuant to the covenants in favour of the City in registered Deed No. 395261 A.B. to be provided with two months to equal any reasonable offer to purchase the property which may arise in the future.

NOTE: In 1975 September, this property was sold by the City to Mr. Roger Gerard. As the building was considered to have architectural significance, the agreement of purchase and sale specified;

- (a) That there be no structural changes to the exterior other than maintenance, without the City's approval, and;
- (b) That the City be given two months in which to equal any subsequent reasonable offer to purchase, on a first refusal basis.

In 1979, City Council decided to take no action to match an offer received by the then owner on the sale of the property. Since then the property has changed hands without giving the City two months to consider matching the sale price paid in the change of ownership. Accordingly, the present owner now requests the City to confirm that the City does not require the property at this time and that the City waives its right that it had to receive notice of the previous sales resulting in the current ownership of the property in favour of Mr. Peter Spitman.

The Committee was in receipt of a report from the Cash-in-Lieu of Parking Committee dated 1988 May 25 respecting parking payment for the property located at 293-335 Wellington Street North.

Cash-in-lieu of Parking - 293-335 Wellington Street North.

Some discussion ensued on this matter and staff were requested to provide a report to the Committee outlining the inter-relationship between the Committee of Adjustment, the Planning and Development Committee and the Cash-in-Lieu Committee.

The Committee then APPROVED the following:

- (a) That in accordance with the cash-in-lieu payment policy, Cidracine Enterprises Limited be required to pay to the City of Hamilton the sum of \$30,000. (\$2,000. x 15 required parking spaces).
- (b) That the City Solicitor be directed to prepare the necessary agreements to implement the cash-in-lieu parking payment.

NOTE: Cidracine Enterprises Limited applied to the City of Hamilton to rezone the lands at Nos. 293-335 Wellington Street North to permit the conversion of the existing industrial building for medical offices. A total of 322 parking spaces was required for the development; however, a variance was granted to permit 176 spaces on-site, 25 spaces on the lands to the north and 15 spaces to be paid for through the cash-in-lieu policy (total 216 spaces) which was one of the conditions of the rezoning.

The Cash-in-lieu Parking Committee met on 1988 May 18 to determine the cash-in-lieu payment for the 15 required parking spaces. The land cost is \$2,250. per space and the development cost is \$1,750. for a total of \$4,000. per space. In accordance with the cash-in-lieu policy, the applicant pays 50% of the total cost per space.

Designation -  
St. Paul's Church  
- 109 Smith Avenue.

The Committee was in receipt of a report from the Secretary of LACAC respecting the designation of St. Paul's Ecumenical Church, 109 Smith Avenue (corner of Barton Street East).

The Committee APPROVED the following:

- (a) That APPROVAL be given to the "Intent to Designate" the North, East and West facades of St. Paul's Ecumenical Church and the East facade of the Sunday school as a property of Historical and Architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as per the Reasons for Designation attached herewith and marked APPENDIX "F".
- (b) That the City Solicitor be authorized and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

Proposed revision  
to the mandate of  
the Hamilton Beach  
Implementation  
Committee.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 June 8 respecting the proposed revision of the mandate of the Hamilton Beach Implementation Committee.

The Committee APPROVED the following:

That the revised mandate of the Hamilton Beach Implementation Committee attached herewith and marked APPENDIX "G", BE APPROVED.

NOTE: Minor changes have been proposed to the approved mandate of the Hamilton Beach Implementation Committee. These changes have been made mainly to recognize the high priority to be given the installation of trunk sewers, and preparation of the neighbourhood plan.

The Hamilton Beach Concept Plan was accepted in principle by City Council on 1987 November 24. The City at this time also approved the formation of an Implementation Committee to help carry out the plan.



The Planning and Development Committee - 11:00 a.m. Wednesday, 1988 June 15

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 May 4 respecting the proposed draft plan of subdivision (Oakdale Estates).

Proposed Draft  
Plan of Subdivision  
- Oakdale Estates.

The Committee APPROVED the following:

- (a) That APPROVAL be given to Subdivision Application 87-23, 428680 Ontario Limited, to establish a draft plan of subdivision north of Rymal Road between Upper Wellington Street and Upper Wentworth Street, subject to the following conditions:
  - (i) That this approval apply to the revised plan prepared by MacKay, MacKay and Peters Limited, dated 1988 January 22, showing 334 lots, 6 blocks and walkway, further revised to shown block numbers for street widenings (Blocks "341", "342" and "343"), 0.3m reserves (Blocks "334", "345", "346" and "347") walkway (Block "348") and dimensional changes at street curves.
  - (ii) That the owner acquire from the City of Hamilton the strip and land located between the subject land and the land of the City of Hamilton Board of Education.
  - (iii) That the owner complete a satisfactory land exchange with the City of Hamilton Board of Education so that proposed Brigade Drive and Byng Street can be established to the full required width as shown on the draft plan.
  - (iv) That the owner acquire sufficient land to establish proposed Street "K" to the full required width.
  - (v) That the streets and street widenings (Blocks "341", "342" and "343") be dedicated as public highways and the walkway (Block "348") be dedicated as a public walkway on the final plan.
  - (vi) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
  - (vii) That the final plan conform with the Zoning By-law approved under the Planning Act.
  - (viii) That the owner convey Block "339" to the City of Hamilton for park purposes pursuant to the provisions of The Planning Act.
  - (ix) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
  - (x) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
  - (xi) That any dead-end or open side of the road allowance created by the plan be terminated in 0.3m reserves (Blocks "344", "345", "346" and "347") to be conveyed to the City of Hamilton and to be held by the City until required for the extension of the road allowance or for the development of abutting lands.

- (xii) That only those parts of the plan to which municipal services are available shall be registered.
- (xiii) That Blocks "337", "338" and "340" be developed only in conjunction with abutting lands.
- (xiv) That Block "336" be divided into lots for single-family dwellings on the final plan to the satisfaction of the City of Hamilton.
- (xv) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
- (xvi) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

- (b) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-87-23), 428680 Ontario Limited, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
- (c) That the Barnstown Neighbourhood Plan be amended to show the adjustments to the land use boundaries, street pattern and the inclusion of the walkway, all in compliance with the recommended draft plan of subdivision.

Applications for extensions of draft approvals.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 May 19 respecting applications for extensions of draft approvals for Templemead No. 3, Rexford Heights -Phase 2 and Oakland Park Extension No. 4 Subdivision.

The Committee APPROVED the following:

That the Regional Municipality of Hamilton-Wentworth be requested to grant one year extensions to the draft approval for Templemead No. 3 Subdivision (Regional File No. 25T-77005), Rexford Heights - Phase 2 Subdivision (Regional File No. 25T-77033) and Oakland Park Extension No. 4 Subdivision (Regional File No. 25T-79022).

Repeal of Part Lot Control By-laws.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 May 13 respecting the repeal of part lot control by-laws.

The Committee APPROVED the following:

- (a) That approval be given to the attached by-law which repeals part lot control By-Law 79-148, 79-158, 80-182, 81-182, 81-251, 81-252, 82-136, 82-137, 83-188, 83-220, 84-253, 86-113 and 86-146, and
- (b) That the City Clerk shall register this By-law, and
- (c) That the Planning and Development Department be advised of the repealing by-law number.

NOTE: This bill will be forwarded to City Council as Bill D-78.



The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 May 31 respecting Proposed Amendment No. 35 to the Hamilton-Wentworth Official Plan.

Proposed Amendment  
No. 35 to the  
Hamilton-Wentworth  
Official Plan.

The Committee APPROVED the following:

That the City Clerk be requested to inform the Regional Municipality of Hamilton-Wentworth that Proposed Amendment No. 35 to the Hamilton-Wentworth Official Plan is consistent and does not conflict with the City of Hamilton's planning intentions.

NOTE: Hamilton-Wentworth Region has requested the City's comments on proposed Amendment No. 35 to the Hamilton-Wentworth Official Plan which provides for additional commercial uses in Industrial-Business Parks, subject to certain criteria relating to type, location and amount of development in the Parks.

At this point the meeting adjourned to the Council Chambers for the purpose of hearing Zoning Applications and Planning Matters.

Adjourn to  
Council Chambers.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 June 7 respecting City Initiative 88-C, for property at 255 West Avenue North (West Avenue School).

C.I.88-C -  
255 West Avenue  
North (West  
Avenue School)

Report of the circularization was given as follows:

223 notices sent      10 in favour      2 opposed

Mr. Harold Mook, 268 West Avenue North spoke to the Committee. He expressed concerns at the impact of the lack of parking in the area and the fact that this particular area needs to be cleaned up. He added that he hopes that the City will be a good neighbour.

It was then moved by Alderman Hinkley, seconded by Alderman McCulloch and carried to APPROVE the following recommendation:

- (a) That APPROVAL be given to City Initiative 88-C, City of Hamilton, owner, requesting a change in zoning from "G-3" (Public Parking Lot) District to "H" (Community Shopping and Commercial, etc.) District, modified, to permit the conversion of the existing school for one or more of the following commercial, institutional, residential and public uses, for the property located at No. 255 West Avenue North, as shown on the attached map marked APPENDIX "H", on the following basis:
  - (i) That the subject lands be rezoned from "G-3" (Public Parking Lot) District, modified, to "H" (Community Shopping and Commercial, etc.) District.
  - (ii) That the "H" (Community Shopping and Commercial, etc.) District regulations contained in Section 14 of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special requirements:
    - 1. That notwithstanding Section 14.(1), only the following uses shall be permitted within the existing building:

(a) Commercial Uses

- (i) Offices excluding medical and dental offices
- (ii) Theatrical Production and Administrative facility with no seating
- (iii) Public parking lot
- (iv) Commercial School

(b) Residential Use

- (i) Multiple Dwelling

(c) Institutional Use

- (i) Day Nursery

(d) Public Uses

- (i) Community Center
- (ii) Museum

(iii) That Section 14.(3) shall not apply.

(iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1081, and that the subject lands on Zoning District Map E-12 be notated S-1081;

(v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-12;

(vi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(b) That the subject lands be added to Schedule "A" of Site Plan Control By-law 79-275, as amended by By-law 87-223 as shown on the attached map marked as APPENDIX "I".

NOTE: The purpose of this By-law is to provide for a change in zoning from "G-3" (Public Parking Lot) District to "H" (Community Shopping and Commercial, etc.) District for the property located at No. 255 West Avenue North.

The effect of this By-law is to permit the conversion of the existing West Avenue School for one or more of the following uses only:

- (a) offices excluding medical and dental offices
- (b) theatrical production and administrative facility with no seating capacity
- (c) public parking lot
- (d) day nursery
- (e) multiple dwelling
- (f) community center
- (g) commercial school
- (h) museum

In addition, the By-law exempts the existing building from the provision of yards which are required for residential uses.



The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 May 20 respecting Zoning Application 88-19 for property at the north-west corner of Upper Gage Avenue and Limeridge Road East.

ZA 88-19 - north-west corner of Upper Gage Avenue and Limeridge Road East.

Report of the circularization was given as follows:

199 notices sent          6 in favour          7 opposed

The Committee APPROVED the following:

- (a) That APPROVAL be given to Zoning Application 88-19, Robert Leggat, owner, for a change in zoning from "AA" (Agricultural) District to "DE-2" (Multiple Dwellings) District for property located at the north-west corner of Upper Gage Avenue and Limeridge Road East, as shown on the attached map marked as APPENDIX "J" on the following basis:
- (i). That the subject lands be rezoned from "AA" (Agricultural) District to "DE-2" (Multiple Dwellings) District;
- (ii) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Maps E-38A and E-38B; and,
- (iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That the previous resolution dealing with the rezoning of this site (ZA-87-07 - 6.R.P.D.C. 1987, March 31) be rescinded since the applicant has withdrawn this application.

NOTE: The purpose of the by-law is to provide for a change in zoning for property located at the north-west corner of Upper Gage Avenue and Limeridge Road East from "AA" (Agricultural) District to "DE-2" (Multiple Dwellings) District.

The effect of the by-law is to permit development of the subject lands for an apartment building, having a maximum height of eight storeys.

The Committee was in receipt of a report from the Director of Local Planning dated 1988 June 3 respecting Zoning Application 88-23 for property on the west side of Sanatorium Road, in the area south of Scenic Drive.

ZA88-23 - west side of Sanatorium Road, south of Scenic Drive

Report of the circularization was given as follows:

48 notices sent          10 in favour          2 opposed

The Committee then APPROVED the following:

- (a) That APPROVAL be given to Zoning Application 88-23, Chedoke-McMaster Hospitals, owner, requesting a modification to the "AA" (Agricultural) District to permit the development of subject lands for a medical office complex having a gross floor area of approximately 4,645 m<sup>2</sup> (50,000 sq.ft.), for the property located on the west side of Sanatorium Road, in the area south of Scenic Drive, as shown on the attached map marked as APPENDIX "K", on the following basis:

- (i) That the "AA" (Agricultural) District regulations as contained in Section 7A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
- 1) that notwithstanding Section 7A(1), the following commercial uses shall be permitted:
    - (a) medical offices and accessory uses;
    - (b) tuck shop;
    - (c) drug store; and,
    - (d) medical laboratories.
  - 2) that the rear and side yard requirements of Section 7A(3) shall not apply.
  - 3) that notwithstanding Section 18A(1) (d) and (e) one loading space (9.0 m x 3.7 m x 4.3 m) shall be provided and maintained on the lot.
  - 4) that notwithstanding Section 18A.(9), the required parking may be located off-site.
  - 5) that Sections 18A.(11), (12), (14) and (26) shall not apply.
- (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1082, and that the subject lands on Zoning District Maps W-36 and W-37 be notated S-1082;
- (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-36 and W-37;
- (iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That the subject lands be added to Site Plan Control By-law 79-275, as amended by By-law 87-223, as shown on the attached map marked as APPENDIX "L".

NOTE: The purpose of this by-law is to provide for a modification to the "AA" (Agricultural) District for the property located on the west side of Sanatorium Road, in the area south of Scenic Drive.

The effect of the by-law is to permit the development of the subject lands for a medical office complex with accessory uses having a gross floor area of approximately 4,645 m<sup>2</sup> (50,000 sq. ft.).

In addition, the By-law provides for the following variances:

- (a) to allow the 218 required parking spaces to be accommodated off-site (on the existing Chedoke-McMaster hospital grounds) (Section 18A.(9)).
- (b) to exempt the development from the rear and side yard requirements.



- (c) to allow the development to provide one loading space (9.0 m x 3.7 m x 4.3 m) instead of the legally required 2 large loading spaces (Section 18A.(1)(d) and (e)).
- (d) to allow the parking area to be located with 1.5m of a residential district and closer than 6.0m to the front lot line (Section 18A.(11)).
- (e) to exempt the development from providing a 1.5 m wide landscaped strip and a 1.2 m to 2.0 m high visual barrier between the parking area and a residential district (Section 18A.(12)).
- (f) to allow required parking in the required front yard (Section 18A.(14)).
- (g) to allow the egress and ingress for the medical centre to be located less than 3.0 m from a residential district (Section 18A.(26)).

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 June 7 respecting Zoning Application 88-25 for property at 2783 Barton Street East.

ZA88-25 -  
2783 Barton Street  
East.

Report of the circularization was given as follows:

315 notices sent      22 in favour      3 opposed

The applicants indicated that they would also like to have a dance studio included as a permitted use.

The Committee then APPROVED the following:

That APPROVAL be given to an amended Zoning Application 88-25, Catharine Dillon, and Patricia Vassallo, owners, for a modification to the established "JJ" (Restricted Light Industrial) District regulations for property at No. 2783 Barton Street East, as shown on the attached map marked as APPENDIX "M", on the following basis:

- (a) That the "JJ" (Restricted Light Industrial) District regulations as contained in Section 16A of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variance as a special requirement.
  - (i) That in addition to the uses permitted in Section 16A(1) of By-law No. 6593, the following uses shall be permitted within the existing building with a maximum retail sales area of 50% of the gross leasable floor area:

S.I.C.  
IDENTIFICATION

- |   |      |
|---|------|
| (1) Household Furniture Store<br>(with appliances and furnishings)    | 6211 |
| (2) Household Furniture Store<br>(without appliances and furnishings) | 6212 |
| (3) Appliance, Television, Radio and<br>Stereo Store                  | 6221 |
| (4) Floor Covering Store  | 6231 |
| (5) Drapery store   | 6232 |
| (6) Industrial Machinery and<br>Equipment Rental and Leasing          | 9911 |

(7) Other Machinery and Equipment	
Rental and Leasing	9919
(8) Computer Services	7721
(9) Computer Equipment	
Maintenance and Repair	7721
(10) Tire, Battery, Parts and	
Accessories Store	6342

## (ii) That the following commercial uses be permitted:

(1) Offices of Architects	7751
(2) Offices of Engineers	7752
(3) Management Consulting Services	7771
(4) Customs Brokers	7794
(5) Chartered Banks	7021
(6) Trust Companies	7031
(7) Local Credit Unions	7051
(8) Caterers	9214
(9) Medical Laboratories	8681
(10) Radiological Laboratories	8682
(11) Combined Medical and	
Radiological Laboratories	8683
(12) Dance Hall, Studio and School	9693

- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1083, and that the subject lands on zoning District Map E-123 be notated S-1083;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-123;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton planning area.

**NOTE:** The purpose of the By-law is to provide for a modification to the established "JJ" (Restricted Light Industrial) District regulations applicable to property at No. 2783 Barton Street East.

The effect of the By-law is to permit in addition to the established "JJ" (Restricted Light Industrial) District uses, other commercial uses within the existing building with a maximum retail sales area of 50% of the gross leasable floor area as referenced to above.

ZA88-27 - south-west corner of Upper Sherman Avenue and Limeridge Road East.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 May 16 respecting Zoning Application 88-27 for property at the south-west corner of Upper Sherman Avenue and Limeridge Road East recommending DENIAL of this application.

## • The report of the circularization was given as follows:

133 notices sent      7 in favour      9 opposed

The Committee heard from the representative of Petro Canada Inc. respecting this property. Mr. Charbonneau spoke in opposition to this application and outlined the history of zoning in the area.

It was then moved by Alderman Merling, seconded by Alderman Agostino and carried to APPROVE this application as follows:



- (a) That APPROVAL be given to Official Plan Amendment No. 58 to redesignate from "Residential" to "Commercial", lands located at the south-west corner of Upper Sherman Avenue and Limeridge Road East, and that the City Solicitor be directed to prepare a by-law to adopt the Official Plan amendment for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That APPROVAL be given to Zoning Application 88-27, David John Armstrong, owner, to establish a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial, etc.) District, modified, for property located at the south-west corner of Upper Sherman Avenue and Limeridge Road East, as shown on the attached map marked as APPENDIX "N", on the following basis
- (i) That the subject lands be rezoned from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial, etc.) District.
- (ii) That the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations as contained in Section 14A of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variance as a special provision:
1. Notwithstanding Section 14A(1) of Zoning By-law No. 6593 only a retail variety store with an accessory gas bar outlet shall be permitted on the site.
- (iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1084, and that the subject lands on zoning District Maps E-27A and E-27B be notated S-1084.
- (iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-27A and E-27B.
- (v) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 58.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial, etc.) District for property located at the south-west corner of Upper Sherman Avenue and Limeridge Road East.

The effect of the By-law is to permit the site to be developed with a retail variety store use and an accessory gas bar.

The Committee was in receipt of a letter from the Secretary of the Transport and Environment Committee dated 1988 June 1 respecting the GO Rail Study and indicating that the Transport and Environment Committee at its meeting held 1988 May 16 TOOK NO ACTION with respect to the Planning and Development Committee report on their recommendations that the GO Rail be located at the former T.H. & B. Station.

GO Rail Study

The Committee was also in receipt of a submission from the Hamilton & District Chamber of Commerce dated 1988 June 15 respecting the increased GO Train Service for Hamilton.

It was indicated by many members of the Committee that they would not discuss this matter in detail but rather discuss it on the Council floor and it was then moved by Alderman Ross, seconded by Alderman Cooke and carried to APPROVE the following:

- (a) That the terminus for GO Rail be relocated at the CP (former T. H. & B.) Station as soon as possible.
- (b) That the decision on the reconstruction of the Hunter Street tunnel be deferred until the growth in service warrants further examination;
- (c) That the CP station be developed as a multi-modal transport terminus and that the existing bus terminal be transferred to this station;
- (d) That the opening of the new terminus coincide with any improvement and/or changes to the HSR operations and the transferring of the existing bus terminal;
- (e) That the maximum GO Train frequency, including two-way service, be provided as soon as the new terminus is open and the operations be integrated with GO bus services;
- (f) That the Waterdown station be treated as a component of the initial project to provide commuter parking to serve the entire Region;
- (g) That the new terminus be developed as a mixed use development, including general purpose parking;
- (h) That, the new terminus be of a high quality design, and that the Urban Design Committee be requested to:
  - (i) review any proposed CP station development with participation by the public; and,
  - (ii) prepare guidelines for development in the area surrounding the CP station with participation by the public;
- (i) That every effort be made to retain and enhance the CP building as part of any development of the terminus;
- (j) That the Neighbourhood Associations and other interested groups participate in the process of identifying impacts and developing measures to mitigate adverse social and environmental impacts and enhance the social and physical environment, as part of the current study;
- (k) That the Central Area Plan Implementation Committee review this report and recommendations as further information is received and report back to the Planning and Development Committee.

NOTE: For the information of the members of City Council, the Transport and Environment Committee held a Public Meeting on the above recommendations on Monday, 1988 May 16th, and took NO ACTION.



Recorded vote: Yeas: Cooke, Christopherson, Ross, Smith.

Nays: McCulloch, Agostino, Hinkley.

The Committee was in receipt of a joint report from the Director of Local Planning and the Director of Property dated 1988 June 6 respecting the Cochren Construction lands at Greenhill Avenue (Gershorne Neighbourhood).

Cochren Construction  
lands at Greenhill  
Avenue.

Mr. D. Godley of the Planning Department outlined this report to the Committee.

General discussion then ensued on this matter with particular attention to whether City staff should be involved in facilitating negotiations between the Ontario Heritage Foundation and Cochren Construction on the purchase of this land.

It was then moved by Alderman Agostino, seconded by Alderman Ross and carried to APPROVE the following recommendation:

- (a) That the City of Hamilton NOT ACQUIRE the lands at Greenhill Avenue, Gershorne Neighbourhood (Cochren Construction Site), as outlined in a map attached hereto and marked APPENDIX "O", through 5% Parks Dedication or directly through gift for a tax receipt, and;
- (b) That the City of Hamilton request the owner of the subject lands to negotiate with the Province for funding the public acquisition.

NOTE: For the information of the members of City Council, staff have been directed to facilitate negotiations between the owners of these lands and the Province for the purpose of acquisition.

The Committee was in receipt of a memorandum from the Citizen's Advisory Committee, Corktown-Stinson (Ontario Neighbourhood Improvement Programme) dated 1988 June 15 expressing their concerns at the Improvement Programme and the Advisory Committee's participation in it.

Citizen's Advisory  
Committee - Corktown  
- Stinson (Ontario  
Neighbourhood  
Improvement Programme

Mr. David Cohen and several members of the Advisory Committee were in attendance to speak to the Planning and Development Committee on this matter.

The Committee was also in receipt of an Information Report from the Director of Community Development dated 1988 May 30 respecting this matter. The delegation expressed concern at the shortness of their involvement and input into this project and their dissatisfaction with the ultimate result of the expenditure of the funds.

Following a considerable amount of discussion it was agreed that a meeting be set up between all parties to work on the expenditure for the remaining funds. It was indicated that an amount of \$120,000. is still waiting to be assigned for work at Carter Park. It was also indicated that the bulk of the funds have already been tendered and construction has commenced on these works.

The Committee also agreed that at this meeting some general discussion be held on the list of on-going concerns that this Advisory Committee has and that there is a need for a Permanent Neighbourhood Association to be established to work on these on-going problems.

The Citizen's Advisory Committee, in their memo to the Planning and Development Committee, requested that they receive an accounting of the funds remaining as well as an accounting of what has been done to date with CNIP funds in the neighbourhood. It was AGREED that this information should be forwarded to the Citizen's Committee.

Adjournment

The Planning and Development Committee - 22 - Wednesday, 1988 June 15

There being no further business, the meeting then adjourned.

Taken as read and approved,

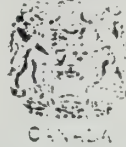
ALDERMAN J. SMITH, CHAIRMAN  
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder  
Secretary  
1988 June 15



Mr. E. A. Simpson, City Clerk  
~~Mr. John Thompson, Secretary P & D Committee~~  
Ms. R. Campbell, Non-Profit Housing

Minister Responsible for  
Canada Mortgage and  
Housing Corporation



Ministre responsable  
Société canadienne d  
et de logement

2.

JUN 23 1988

Mayor R.M. Morrow  
City of Hamilton  
71 Main Street West  
Hamilton, Ontario  
L8N 3T4

Dear Mayor Morrow:

I have consulted a number of interest groups in the past several months on the subject of properly providing for our seniors. They included, besides your own Federation of Canadian Municipalities, the building and development community, financial institutions, non-profit groups, and various seniors' organizations. Each was keenly interested in ensuring that an appropriate range of accommodation options be made available to meet the needs of our rapidly-increasing aging population.

I decided, as a result, that decision-makers in the areas of housing and services to the community had to be given the opportunity to meet, discuss the issues, learn about new approaches, and set the stage for future action.

To that end, I'm convening a conference that will address such questions as the development of successful retirement communities, ways to facilitate seniors remaining in their own homes, support services within neighbourhoods, special concerns for seniors in rural communities, improving affordability through innovative financing and tenure, and ways of breaking down the barriers to allow innovation. Enclosed is a brief description of the conference.

Since the participation of the municipal level of government is crucial to the success of an endeavour of this type, this letter is to encourage you to join us.

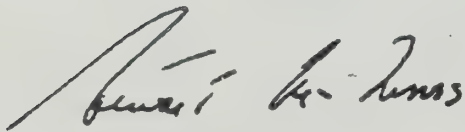
.../2

- 2 -

As indicated during my recent address at the Annual Conference of FCM, we have a collective responsibility in this area. Let's meet and share ideas. Registration details will be available in the coming weeks.

I look forward to seeing you in Halifax!

Sincerely,

A handwritten signature in dark ink, appearing to read 'Stewart McInnes', written in a cursive style.

Stewart McInnes

## *A Message from the Minister*



**Hon. Stewart McInnes**

As Minister responsible for Canada Mortgage and Housing Corporation, I urge you to mark the 18th to 20th of October, 1988 on your calendar. The Conference on Housing Options for Older Canadians provides an exciting forum to learn about the latest innovations in the field of housing for seniors.

We want to ensure that older Canadians can choose from among a range of appropriate accommodation options related to their finances, health and lifestyles.

To make it happen, we need to deal now with the issues. They affect us all.

Watch for more details! Fill out the attached form to ensure you get a registration package.

See you in Halifax!



# HOUSING OPTIONS FOR OLDER CANADIANS

18-20 OCTOBER 1988  
HALIFAX N. S.



Canada

## WHY A CONFERENCE?

If Canada is to remain one of the best-housed countries in the world, we need to prepare for change brought on by a rapidly aging population. One in every ten people in Canada today is over the age of 65. By the year 2000, it will be thirteen percent. By the year 2030, close to one quarter of the population will be over the age of 65. But the numbers do not tell the whole story...

Seniors are a diverse population with varying housing needs and preferences. Health directly impacts on need for support services. Those of lower income have more difficulty gaining access to appropriate accommodation. A growing number of seniors have sufficient income and assets, but are not aware of what choices of housing are, or could be made, available.

## WHAT OPTIONS EXISTS?

What preferences do seniors have regarding their shelter? How do the housing needs of different age groups differ? Do "retirement lifestyle" communities work? What designs work best for seniors? How can we keep seniors' housing affordable? What are reverse mortgages? Are garden suites a feasible option? What alternatives exist for the elderly renter? What can we learn from other countries?

These and other questions will be addressed at the Conference on Housing Options for Older Canadians sponsored by Canada Mortgage and Housing Corporation. The purpose of the conference is to provide a forum to explore innovative financial options, types of accommodation, and types of services that provide an opportunity for seniors to remain independent, whether they choose to move or to stay in their own homes. The federal government will bring together the key actors to discuss the most recent concepts related to seniors' housing, and to explore practical solutions. The conference will draw on international as well as Canadian experience.



# W H O   S H O U L D A T T E N D ?

**For architects, builders, developers and renovators,** the conference will provide new designs in housing and amenity space, examples of flexible-use housing and other projects that successfully respond to client needs, market projections and the latest technology.

**For financial institutions,** there will be information about client requirements and mechanisms to convert mortgage equity.

**For government agencies,** there will be discussions on regulatory reform, demonstration opportunities and the latest in research.

**For gerontology professionals and educators,** there will be information about the latest trends in housing technology and independent living, as well as an opportunity to provide input about seniors' requirements to those in both the public sector and private industry.

**For non-profit associations,** there will be new ideas on accessing programs, management of seniors' housing and support services.

**For seniors (and future seniors),** there will be information about the availability of services and assistance, and consumer protection, as well as the opportunity to contribute to the discussions.

# D E T A I L S :

**When:** 18 - 20 October 1988

**Where:** World Trade and Convention Centre, Halifax

**Note:** The Conference on Housing Options for Older Canadians will be linked to the 17th Annual Scientific and Educational Meeting of the Canadian Association on Gerontology which will directly follow on 20 - 23 October 1988. This will provide an opportunity for those who would like to be able to attend both events.

☐ Please send me further information on the Conference

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Postal Code \_\_\_\_\_

**RETURN TO:**

Housing Options for Older Canadians  
Conference Secretariat  
CMHC  
682 Montreal Road  
Ottawa, Ontario  
K1A 0P7







3.

THE CORPORATION OF THE CITY OF HAMILTON

COMMITTEE OF ADJUSTMENT

HAMILTON, ONTARIO

DECISION OF THE COMMITTEE

APPLICATION NO. A-88-114  
SUBMISSION NO. A-114/88

IN THE MATTER OF The Planning Act, 1983 and of the Zoning By-Law No. 6593, of the City of Hamilton, Section(s) 14(1), 18(11)(b)2.

AND IN THE MATTER OF Premises municipally known as 1488-1490 Barton Street East in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth and in a "H" (Community Shopping and Commercial, etc.) district;

AND IN THE MATTER OF AN APPLICATION by the owner, Arma Peddle, for relief from the provisions of the Zoning By-Law No. 6593, under Section 44(1) of The Planning Act, 1983, so as to permit the erection of an outdoor patio app. 14'-0" x 17.5' in the side yard, abutting a residential district to the rear and easterly side yards whereas the By-law only permits outdoor patios in the front yard, if the rear lot line only abuts a residential district.

THE DECISION OF THE COMMITTEE IS:

That the said application IS DENIED for the following reasons:

The Committee after reviewing the evidence is of the opinion that such development would have an undesirable impact on the neighbouring residential area.

The Committee having regard to the evidence is of the opinion that the relief requested is beyond that of a minor nature.

That after consideration of the application and from the evidence submitted it is the Committee's opinion the relief requested herein is undesirable for the appropriate development of the land and building and is inconsistent with the general intent and purpose of the By-Law and of the Official Plan as referred to in Section 44 of The Planning Act, 1983.

DATED AT HAMILTON this 26th day of May, 1988

SIGNED:

*F. Rocchi*  
F. Rocchi, Chairman

*F. Lombardo*  
F. Lombardo

*A. Merling*  
Alderman H. Merling

*L.G. Woods*  
L.G. Woods

*C. Young*  
C. Young

NOTE: This decision is not final and binding unless otherwise noted.

A-88:114

The applicant should be advised that according to our records, the alley to the rear of the subject lands is public unassumed. It is unclear from plans submitted by the applicant where the existing accesses to Barton Street are. However, we recommend that the fence in the vicinity of the access points not exceed an elevation 0.80m above the centreline elevation of Barton Street. In this manner, motorists visibility entering the Barton Street road allowance is not impeded by the patio.

14. A-88-114 1488 -1490 Barton Street East (Planning)

It is the applicants intent to establish a patio within the side yard east .. of the existing building fronting onto Barton Street East.

In 1985 a number of applications for "patios" which were dealt with by the Planning and Development Committee and City Council were denied. The reason for refusal was incompatibility with surrounding residential development and potential nuisances (e.g. noise, parking).

Other concerns expressed by citizens include litter, hours of operations, headlight glare and invasion of privacy.

Consequently, a review of "Outdoor Patios" in the "H" (Community Shopping and Commercial, etc.) Districts was initiated which resulted in the passing of By-law No. 86-223 - "Outdoor Patios".

By-law No. 86-223 regulates the capacity, location, lighting facilities, parking and entertainment for outdoor patios.

The By-law states under location the following:

2. Location

- 2.1 No outdoor patio shall be permitted where any lot line adjoins a residential district, or is separated therefrom by an alley.
- 2.2 Notwithstanding the provisions of Subsection 2.1, where only the rear lot line adjoins a residential district, or is separated therefrom by an alley, an outdoor patio shall be permitted in the front yard.
- 2.3 No outdoor patio shall be located above the elevation of the floor of the first storey of the principal building where the lot adjoins a residential district or is separated therefrom by an alley.

In this regard, the proposal does not comply with the intent and spirit of the by-law.

Notwithstanding the above noted comments it is felt that the proposal warrants consideration on the following basis:

- a) the location of the proposed patio is approximately 93' from the residential property to the south and 125' from the property to the east isolating the patio from these properties, thus lessening the impact on the residential uses.
- b) the placement of fencing and landscaping around the patio area would also provide a visual buffer thus enhancing the property and streetscape.
- c) since the balance of the lands are used for parking purposes the impact of the patio is further reduced.

Based on the above, the relief requested can be supported. However, the comments of the property owners directly affected should be considered before a final decision is reached.

Furthermore, an approval should be conditional upon the applicant providing suitable fencing and landscaping to the south and east to provide a visual buffer facing the residential properties.

6.

**FOR ACTION**

REPORT TO: THE PLANNING AND DEVELOPMENT COMMITTEE

FROM: P. KUPPE, BUILDING COMMISSIONER

DATE: July 6, 1988

COMM. FILE:

DEPT. FILE:

SUBJECT:

DEMOLITION

RECOMMENDATION:



That the building Commissioner be authorized to issue demolition permits for the demolition of the following properties.

- A. 2825 King Street East
- B. 270 Stone Church Road East
- C. 255 Mount Albion Road
- D. 1515 Upper Gage Avenue
- E. 85 Delaware Avenue
- F. 100 Wentworth Street North

FINANCIAL IMPLICATIONS: N/A

BACKGROUND:

For background information see attached sheets.



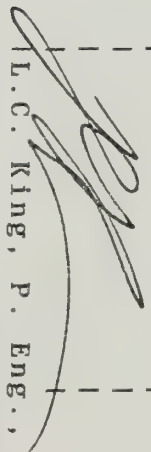
# BUILDING DEPARTMENT

## DEMOLITION CONTROL

CATEGORY "A" - PROPOSED USE OF LAND IS PERMITTED BY PRESENT ZONING

DATE July 6, 1988

EM	ADDRESS	PRESENT USE	PROPOSED USE	LOT SIZE	OWNER	ZONE	RECOMMENDATION
270	Stone Church E.	S.F.D.	New S.F.D. Subdivision Wellington Chase Ph-2	1109.47' X 3834.59'	Wellington Chase Inc.	"C/S- 1044"	It is recommended that Committee approve demolition.
255	Mount Albion Road	S.F.D.	Townhouses	450.41' X 485.49'	McNally Bros.	"DE-3/S- 865/S- 1059"	It is recommended that Committee approve demolition.
1515	Upper Gage	S.F.D.	Townhouses	225' X 383'	Parkland Prop.	"RT-30"	It is recommended that Committee approve demolition.
85	Delaware	S.F.D.	Church	267' X 126'	Jehovah's Witness Victoria Congregation	"C"	It is recommended that Committee approve demolition.

  
L.C. King, P. Eng.,  
Deputy Building Commissioner

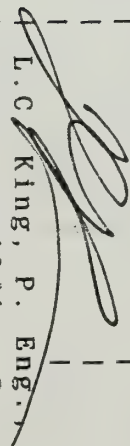
# BUILDING DEPARTMENT

## DEMOLITION CONTROL

CATEGORY "C" - NO IMMEDIATE REDEVELOPMENT IS PROPOSED

DATE July 6, 1988

M	ADDRESS	PRESENT USE	PROPOSED USE	LOT SIZE	OWNER	ZONE	RECOMMENDATION
2825	King St. E.	T.F.D.	Vacant	161,782 sq. ft.	Lyle Nash	"E-2/S-34"	It is recommended that Committee approve demolition. *NOTE: House is already demolished.
100	Wentworth N.	S.F.D.	Parking lot for adjacent property.	35.75' X 120'	Paul Dandrea	"D"	It is recommended that Committee table demolition as the proposed use is not permitted in the zone. *NOTE: Owner will be applying for a zoning modification.

  
L.C. King, P. Eng.,  
Deputy Building Commissioner





**FOR ACTION**

**REPORT TO:** Planning and Development Committee

**FROM:** Paul Kuppe, P.Eng.  
Building Commissioner

**DATE:** July 5, 1988  
**COMM. FILE:**  
**DEPT. FILE:** 88.4.2.2

**SUBJECT:**

Second Level Lodging House By-law - Inspection and Enforcement by the Building Department. Implementation of Government Funding Program.

**RECOMMENDATION:**

1. That the Building Department be authorized to allow staff to work over-time to implement the funding available under expansion of the low rise provincial load program to lodging and rooming houses.
2. That the administrative fees generated from the program be deposited in the salary and wages account of the Building Department to cover over-time costs.
3. That the hiring of one building inspector to perform the inspections as required under the proposed new Second Level Lodging House By-law be approved, but that the filling of the position be held until such time as the by-law becomes effective.
4. All overtime work will be done as per collective agreement.

**FINANCIAL IMPLICATIONS:** (IF NONE, STATE N/A)

The costs for hiring one building inspector during the 1989 budget year would be as follows:-

Salary	\$35,855
Benefits	4,941
Car	10,000
Car Rental	4,940
Equipment	500
Training	<u>1,000</u>
Total	<u>\$57,236</u>

July 5, 1988

BACKGROUND:

At the meeting of the Planning and Development Committee on Wednesday, June 15, 1988, the Building Department was directed that a funding report be submitted on the cost required to ensure that inspection by the Building Department be carried out on second level lodging houses as contained in the by-law. The urgency to provide inspections under the existing by-law was based on the Second Level Lodging House Task Force's recommendation that the City should initiate inspections of existing lodging houses under the existing by-law prior to asking for funding from the province for the implementation of the new by-law.

Very recently, the province, through the Ministry of Housing, has advised the Department of Community Development that a new program run similar to the low rise rehabilitation program is available for lodging and rooming houses subject to criteria compliance. Owners and operators of second level lodging houses have been advised of this program and are generally in agreement that funds available can be utilized. The program allows for a maximum grant of \$5,000 per bed for a lodging house. This funding would total \$5.5-million if it were utilized for all existing second level lodging houses.

In order to facilitate use of the funds which are available, and to provide inspections of existing second level lodging houses, this Department recommends that Building Department staff be employed on an over-time basis to perform the required inspections, work schedules, and contractual arrangements.

The Building Department investigated private contracting in 1987 in that, City Council, at its meeting of February 24, 1987, approved Item 16 of the Fourth Report of the Planning and Development Committee, which authorized the Building Department to call tenders for private enterprise to carry out inspections with regards to Loans Programs.

During this process of tendering for independent inspection services, it became very apparent that considerable effort would have to be expended by senior management to advise and train the private inspection services in the application, process and need for absolute accuracy, particularly when these inspections result in the expenditure of municipal and provincial funds.

July 5, 1988

After reviewing some 4 tenders received, it was determined that the most advantageous and economically efficient method to accomodate these additional work schedules, was to request the co-operation of the Building Department's staff to work overtime to accommodate the additional workloads. This process was well received by staff, by the financial administrators (the Community Development Department) and the applicants for these programs. It allowed for after normal working hours inspections, which proved to be time saving, in that persons were more readily available for interviewing and to facilitate the inspection process.

To this end, it is felt that the most expedient manner of accommodating the request to inspect Second Level Lodging Houses be done on an overtime basis by departmental staff.

July 5, 1988





FOR ACTION

81 8

REPORT TO: MRS. S. K. REEDER, SECRETARY  
PLANNING & DEVELOPMENT COMMITTEE

FROM: MR. T. BRADLEY, MANAGER  
PURCHASING

DAI  
COM  
DEPT FILE:

SUBJECT: DOWNTOWN HAMILTON ACTION PLAN PHASE V LIGHT FIXTURES

RECOMMENDATION

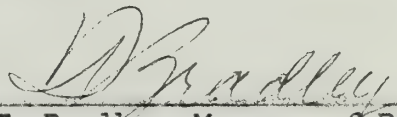
(a) That purchase orders be issued for the supply and delivery of Downtown Hamilton Action Plan Phase V Light Fixtures for the Community Development Department, in accordance with specifications issued by the Manager of Purchasing and Vendors' tenders, as follows:

(i) Moldcast, Mississauga  
In the amount of \$154,008.00

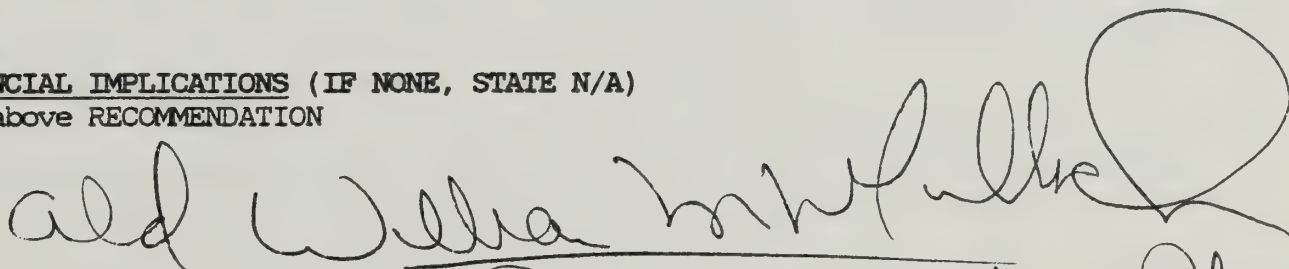
(ii) Prescolite, Mississauga  
In the amount of \$ 21,600.00

(b) As the next Council is not until the end of July, 1988, the above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council".

NOTE: Only tenders received. Funds provided in James Street North Streetscape, Light Fixtures Account #0405-A82018.

  
T. Bradley, Manager of Purchasing

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)  
See above RECOMMENDATION

  
Chairman, Downtown Action Plan

8/1/88  
JB.06.21.





**FOR ACTION**

9a.

**REPORT TO:**

Susan K. Reeder, Secretary  
Planning and Development Committee

**FROM:**

E. W. Kowalski, Director  
Department of Community Development

**DATE:** 1988 June 23

**COMM FILE:**

**DEPT FILE:** SLL 17

**SUBJECT:**

Second Level Lodging Home Programme

**RECOMMENDATION**

That a rehabilitation loan in the amount of \$19,938.00 be approved for Ms. Merle Nelson, owner of a Second Level Lodging home at 132 Bold Street. The loan is amortized over a ten (10) year period at three (3) percent interest, and is secured by a Lien on Title.

*E. Kowalski*

**FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)**

N/A

**BACKGROUND**

As the Committee is aware, the City of Hamilton recently received a capital grant in the amount of \$250,000. from the Ministry of Health for the implementation of a loan programme for the rehabilitation of Second Level Lodging Homes. The homes must accommodate ex-psychiatric patients. The City's Property Standards By-law 74-74 provides the basis for eligible items.

For the information of the Committee, the Department of Community Development has recently been informed that the City has been provided an additional \$75,000. for the implementation of this Programme.

This application represents the eleventh (11th) loan processed under this Programme at a total cost of \$279,499. The home presently provides care for eleven out-patients. The loan is secured by a Lien on Title and all moneys collected on repayments are placed in a recyclable account to permit the continuance of the Programme.

The owner has also agreed to enter into an Operating Agreement with the Canadian Mental Health Association of deliver Social Programs to the residents of the home.



**FOR ACTION**

96.

**REPORT TO:**

Susan K. Reeder, Secretary  
Planning and Development Committee

**FROM:**

E. W. Kowalski, Director  
Department of Community Development

**DATE:** 1988 June 23

**COMM FILE:**

**DEPT FILE:** SLL 17

**SUBJECT:**

Second Level Lodging Home Programme

**RECOMMENDATION**

That a rehabilitation loan in the amount of \$19,937.00 be approved for Ms. Merle Nelson, owner of a Second Level Lodging Home at 130 Bold Street. The loan is amortized over a ten (10) year period at three (3) percent interest, and is secured by a Lien on Title.

*E. Kowalski*

**FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)**

N/A

**BACKGROUND**

As the Committee is aware, the City of Hamilton recently received a capital grant in the amount of \$250,000. from the Ministry of Health for the implementation of a loan programme for the rehabilitation of Second Level Lodging Homes. The homes must accommodate ex-psychiatric patients. The City's Property Standards By-law 74-74 provides the basis for eligible items.

For the information of the Committee, the Department of Community Development has recently been informed that the City has been provided an additional \$75,000. for the implementation of this Programme.

This application represents the tenth (10th) loan processed under this Programme at a total cost of \$259,561. The home presently provides care for ten out-patients. The loan is secured by a Lien on Title and all moneys collected on repayments are placed in a recyclable account to permit the continuance of the Programme.

The owner has also agreed to enter into an Operating Agreement with the Canadian Mental Health Association to deliver Social Programs to residents of the home.





**FOR ACTION**

9c.

**REPORT TO:**

Susan K. Reeder, Secretary  
Planning and Development Committee

**FROM:**

E. W. Kowalski, Director  
Department of Community Development

**DATE:** 1988 June 10

**COMM FILE:**

**DEPT FILE:** SLL 10

**SUBJECT:**

Second Level Lodging Home Programme

**RECOMMENDATION**

That a rehabilitation loan in the amount of \$15,495.00 be approved for Mr. Golbourn C. Jordan and Mrs. Violet M. Jordan, owners of a Second Level Lodging Home at 110-112 Stinson Street. The loan is amortized over a ten (10) year period at three (3) percent interest, and is secured by a Lien on Title.

*E. Kowalski*

**FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)**

N/A

**BACKGROUND**

As the Committee is aware, the City of Hamilton recently received a capital grant in the amount of \$250,000. from the Ministry of Health for the implementation of a loan programme for the rehabilitation of Second Level Lodging Homes. The homes must accommodate ex-psychiatric patients. The City's Property Standards By-law 74-74 provides the basis for eligible items.

For the information of the Committee, the Department of Community Development has recently been informed that the City has been provided an additional \$75,000. for the implementation of this Programme.

This application represents the ninth (9th) loan processed under this Programme at a total cost of \$239,624. The home presently provides care for 12 out-patients. The loan is secured by a Lien on Title and all moneys collected on repayments are placed in a recyclable account to permit the continuance of the Programme.

The owner has also agreed to enter into an Operating Agreement with the Canadian Mental Health Association to deliver Social Programs to residents of the home.





**FOR ACTION**

10.

**REPORT TO:**

Susan K. Reeder, Secretary  
Planning and Development Committee

**FROM:**

E. W. Kowalski, Director  
Department of Community Development

**DATE:** 1988 June 16

**COMM FILE:**

**DEPT FILE:** Heritage 52

**SUBJECT:**

The City of Hamilton Heritage Programme  
51 Stuart Street (Custom House)

**RECOMMENDATION**

That the Department of Community Development be directed to process a Designated Property Grant in the amount of \$3,000. to Mr. Donald Warrener, owner of Custom House, 51 Stuart Street.

*E. Kowalski*

**FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)**

N/A

**BACKGROUND**

The Planning and Development Committee in a report dated 1982 December 06, approved the Department of Community Development's participation in the Provincial Government's Designated Property Grant Programme.

The terms of the Programme provide the owners of heritage properties with a grant of up to \$3,000. or 50% of the cost, whichever is less, for the replacement of the heritage features. The total cost of restoration of the stone gate posts is \$6,000.

As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of Diamond Stone Company. The City's Building Department also reviewed the estimates and are in agreement with the work that is required.



**FOR ACTION**

12-a

**REPORT TO:**

Susan K. Reeder, Secretary  
Planning and Development Committee

**FROM:**

E. W. Kowalski, Director  
Department of Community Development

**DATE:** 1988 June 23

**COMM FILE:**

**DEPT FILE:** FACADE 27

**SUBJECT:**

Commercial Facade Loan Programme

**RECOMMENDATION**

That a loan increase in the amount of \$911.00 be approved for Mr. Mark Maltman, owner of 7 & 11 Mary Street. The total loan would now be \$19,811.00.

*E. Kowalski*

**FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)**

N/A

**BACKGROUND**

The Department of Community Development wishes to advise that additional work was deemed necessary at the above mentioned property, at an increased cost of \$911.00. This increase has been approved by the Building Department as an eligible item under the Programme.

The Planning and Development Committee previously approved a loan for Mr. Maltman on 1988 January 26, in the amount of \$18,900.00

For the information of the Committee, the interest rate under the subject Programme is 4-1/2 percent amortized over a ten year period. The monthly payment will be \$205.36 and will be secured by a Promissory Note and a Lien registered on Title.





FOR ACTION

12 b.

REPORT TO:

Mrs. S. Reeder, Secretary,  
Planning and Development Committee

FROM:

Mr. E. W. Kowalski, Director  
Department of Community Development

DATE: 1988 July 07

COMM FILE:

DEPT FILE: FACADE #32

SUBJECT:

Commercial Facade Loan Programme - 66 Ottawa Street North

RECOMMENDATION

That a Commercial Facade Loan in the amount of \$15,000. be approved for The Hamilton Young Womens' Christian Association, owners of 66 Ottawa Street North. The interest rate will be 4.5 percent, amortized over 10 years.

*E. Kowalski*  
*per [signature]*

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

N/A

BACKGROUND

The owners of 66 Ottawa Street North have applied for assistance under the City of Hamilton's Commercial Facade Loan Programme. As per the terms of the Programme, the Building Department has inspected the property as per the Property Standards By-law 74-74 and the necessary repairs have been included in the contract price.

The Ottawa Street B.I.A. have reviewed the plans and have approved the work which is to be undertaken by the owners.

The Department of Community Development, therefore recommends the approval of a Commercial Facade Loan to The Hamilton Young Womens' Christian Association for improvements to 66 Ottawa Street North in the amount of \$15,000.00. The loan will be amortized over a 10 year period at 4.5 percent interest. The monthly payments will be \$155.48, and will be secured by a Promissory Note and a lien registered on title.





13.

REPORT TO:    S. REEDER, SECRETARY  
                 PLANNING AND DEVELOPMENT COMMITTEE

FROM:            G. S. SPENCER  
                 COMMISSIONER OF ENGINEERING

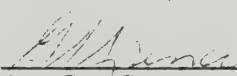
DATE:            1988 June 16  
COMM FILE:  
DEPT FILE:        S701-48  
I.D. 0067D(61)

SUBJECT

"APPLERIDGE ESTATES", Hamilton  
(Cash payment in lieu of 5% Parkland Dedication).

RECOMMENDATION

That the City of Hamilton accept the sum of \$9,360.00 as cash payment in lieu of 5% dedication in connection with "Appleridge Estates", Hamilton, this being the cash requirement under Section 50 of The Planning Act.

  
\_\_\_\_\_  
G. S. Spencer  
Commissioner of Engineering

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

The owner of the lands for the above-referenced subdivision will be executing a Subdivision Agreement with the City of Hamilton in the near future. A copy of the Final Survey Plan is attached for your information.

In accordance with normal City procedure, the City and Regional staff have completed calculations for the 5% cash payment in lieu of Parkland Dedication. The sum to be included in the Subdivision Agreement has been calculated to be \$9,360.00

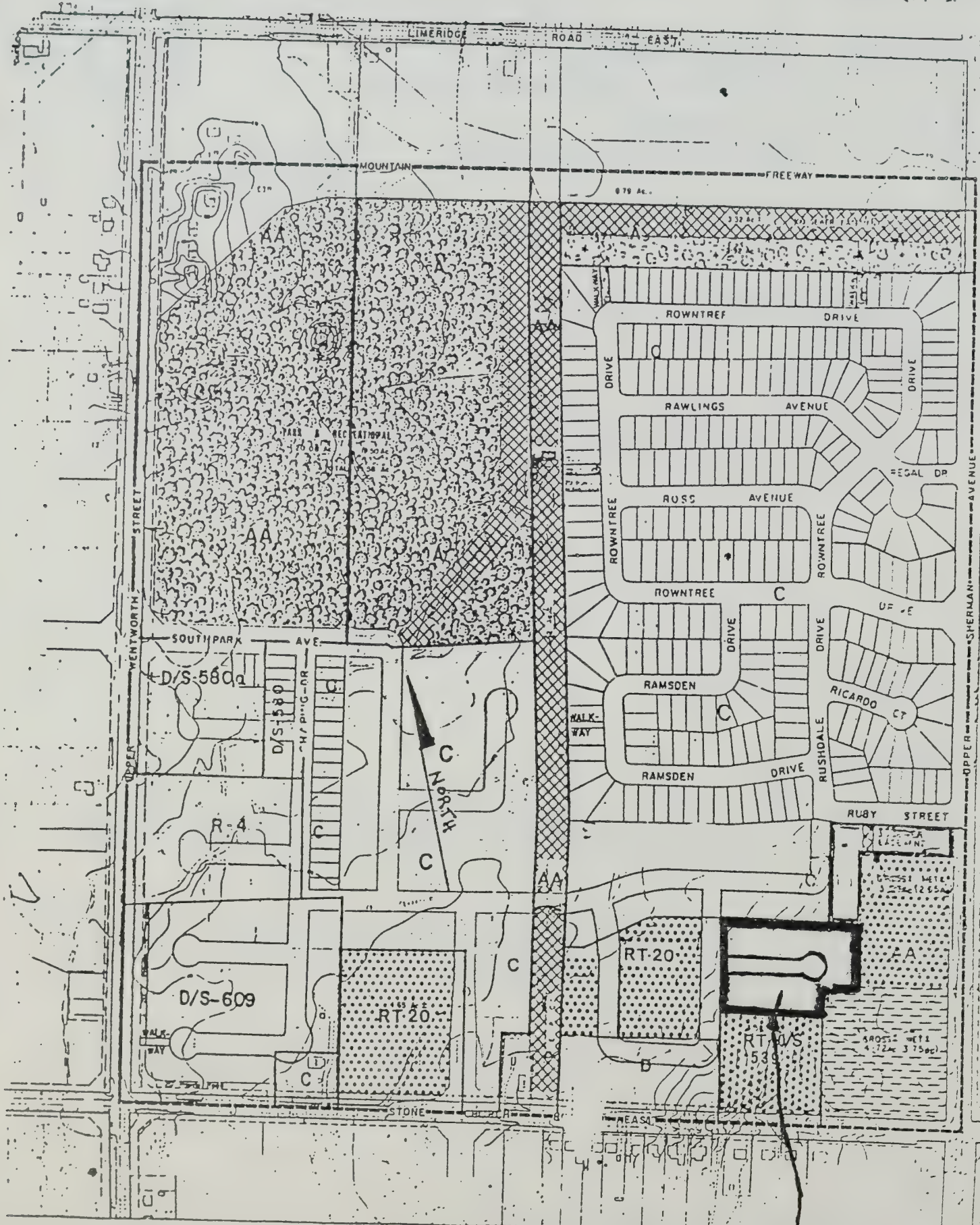
Note: These lands are located west of Upper Sherman Avenue and north of Stone Church Road in the Rushdale Neighbourhood, Hamilton.

CAU: cab.  
Encl.

c.c. D. J. Consoli, City Treasury

# KEY PLAN

N.T.S.



PROPOSED SUBDIVISION  
"APPLERIDGE ESTATES"

F O R   A C T I O N

14.

REPORT TO:   MS. S. REEDER, SECRETARY  
                  PLANNING AND DEVELOPMENT COMMITTEE

FROM:           G. S. SPENCER,  
                  COMMISSIONER OF ENGINEERING

DATE: 1988 July 4  
COMM FILE:  
DEPT FILE: E200-03  
ID#0067D (59)

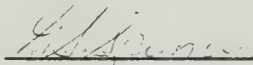
SUBJECT:

Drainage By-Law

RECOMMENDATION

The attached By-Law amendment to By-Law 88-09 be approved.

Note: The By-Law implements the decision of Council taken on 1988 February 9 and further amends the effective date by two (2) weeks for requiring roof leader connections.

  
\_\_\_\_\_  
G. S. Spencer  
Commissioner of Engineering

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

Council approved a resolution stating that the requirement to connect roof leaders not apply to plans of subdivision approved before 1988 January 15.

Various civic departments have had difficulties with the lack of definition in the word "approved" as there are a series of approvals in a subdivision development. Staff's opinion was that approved means the date on which a plan is registered. This, however, has been disputed by some parties.

It is the Legal, Building and Engineering Departments' opinion that the easiest and fairest way to solve the dispute is to move the effective dates for subdivision implementation from January 15 to January 30, which has been incorporated in the submitted By-Law.

KAB:clc

cc: City Solicitor's Department  
    Att: L. Lawrence

cc: Building Department  
    Att: L. King





F O R   A C T I O N

15.

REPORT TO:    MS. S. REEDER, SECRETARY  
                 PLANNING AND DEVELOPMENT COMMITTEE

FROM:            G. S. SPENCER,  
                 COMMISSIONER OF ENGINEERING

DATE: 1988 July 4  
COMM FILE:  
DEPT FILE: S726-54  
ID#0043D (64)

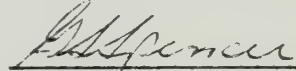
SUBJECT:

Modified Subdivision Agreement  
South-West Corner of Upper Gage Avenue and Rymal Road, Hamilton

RECOMMENDATION

That a modified subdivision agreement be entered into by the Corporation of the City of Hamilton and the Owner, to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to Condominium Application 25CDM-87008, (City file: SA-87-09), DiCenzo Construction Company Limited, Owner of the proposed draft plan of Condominium, and that the City execute the agreement when said conditions have been met.

Note: The agreement is to provide for the registration of a noise warning clause on title to advise prospective purchasers.

  
\_\_\_\_\_  
G. S. Spencer  
Commissioner of Engineering

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The Draft Plan of Condominium was approved by Regional Council on July 21, 1987 subject to certain conditions being satisfied prior to final approval. One of these conditions required that certain clauses regarding potential traffic noise from Upper Gage Avenue and Rymal Road be included in a "subdivision agreement". The agreement would then be registered on title and would advise prospective purchasers of the potential noise interference that could be experienced by some of the home owners.

Continued . . .

-page 2-  
1988 July 4

Draft Plan of Condominium 25CDM-87008  
South-West corner of Upper Gage Avenue & Rymal Road, Hamilton

Continued . . .

In the past, these noise requirements had not been a requirement of the Ministry of the Environment. All other financial and engineering requirements of the municipality were normally satisfied under the site plan applications. Therefore no agreements were needed for Condominium developments.

However, now that the Ministry of the Environment is requiring that these warning clauses be registered on title, a "modified" type subdivision agreement will have to be prepared and registered on title, in order to satisfy the approved conditions for the draft plan of Condominium.

DVC:clc



FOR ACTION

16.

REPORT TO: Mrs. S. K. Reeder  
Secretary, Planning and Development Committee

FROM: Mr. D. W. Vyce  
Director of Property

L.....  
COMM FILE:  
DEPT FILE: 20.1.261

SUBJECT: Extension of Construction Covenants  
Lots 2 and 3, Plan M-352 - Rymal Road East  
Ontario Auto Collision Limited

RECOMMENDATION:

That the City Solicitor be authorized to amend the deed on Lots 2 and 3, Plan M-352 to Ontario Auto Collision Limited as follows:

(1) Lot 2, Plan M-352, Deed 212642 L.T.

- (i) That the time for commencement of the construction of buildings of 5,000 square feet be extended to September 30, 1988 and the time for completion of the building be extended to December 30, 1988.
- (ii) That the City agree to the request of Ontario Auto Collision Limited that it be permitted to transfer Lot 2, Plan M-352 to G.N.A.F. Land Group Inc. a company controlled by the owners of Ontario Auto Collision Limited.
- (iii) That the Mayor and City Clerk be authorized to execute the required documents.

(2) Lot 3, Plan M-352, Deed 212804 L.T.

- (i) That the time for commencement of the construction of buildings of 5,000 square feet be extended to September 30, 1988 and the time for completion of the building be extended to December 30, 1988.
- (ii) That the City agree to the request of Ontario Auto Collision Limited that it be permitted to transfer Lot 3, Plan M-352 to G.N.A.F. Land Group Inc. a company controlled by the owners of Ontario Auto Collision Limited.
- (iii) That the Mayor and City Clerk be authorized to execute the required documents.

  
D. W. Vyce

June 28, 1988  
Planning & Development Committee  
Page 2

FINANCIAL IMPLICATIONS - N/A

BACKGROUND

This department has been advised by Mr. A. Bryant, solicitor representing Ontario Auto Collision Limited, that his clients are preparing to start the construction on the above noted lots shortly. However, they first would like to transfer the title of the lots to a company made up of the principles of Ontario Auto Collision Limited.

In addition, an extension of the construction covenants on both lots are required.

This department is prepared to recommend the transfer as well as the required extensions of the construction covenants.

- c.c. - Mr. K.A. Rouff, City Solicitor  
Attention: Mr. L. Farr
- Mr. E.C. Matthews, City Treasurer
  - Mr. M. Chidley, Regional Surveyor

FOR ACTION

17.

REPORT TO: Mrs. S. K. Reeder  
Secretary, Planning and Development Committee

FROM: Mr. D. W. Vyce  
Director of Property

DATE: 1988 June 28

COMM FILE:

DEPT FILE: 100.68.30

SUBJECT: Sale - Parts 3 & 4, Plan 62R-5200 -  
Stone Church Industrial Park  
Anchor Road to Sam, Peter and Morris Mercanti

RECOMMENDATION:

That an Offer to Purchase the lands of The Corporation of the City of Hamilton. Parts 3 and 4. Plan 62R-5200. Stone Church Industrial Park located on Anchor Road. duly executed on June 17. 1988 by the Purchasers. Sam Mercanti. Peter Mercanti and Morris Mercanti and scheduled for closing on November 24, 1988, be approved and completed.

Note: The purchase price is \$82,512.00. A deposit cheque in the amount of \$4,125.00 is being held by the City Treasurer pending Council approval.

The property is composed of a parcel of land located on the western limit of Anchor Road, having a frontage of 63.565 metres (208.54 feet) by a depth of 77.77 metres/70.134 metres (255.15 feet/230.09 feet) and containing an area of 6,678.3 metres squared (1.6502 acres).

This Offer to Purchase is subject to the following conditions:-

1. That in accordance with the M-13 S-658 Zoning requirement, the Region must construct a 50 foot landscaped berm in accordance with the plans adopted by Regional Council on May 15, 1979. Said plans are attached hereto.

If the landscaped berm is not completed by the closing date, then the closing will be automatically extended until the work is completed, however, being no later than December 31, 1988. Failing the completion of the Offer to Purchase by December 31, 1988, this Agreement will become null and void and the purchasers' deposit will be returned in full without deduction.

2. The purchasers agree:

- (a) that they shall enter into a site plan agreement with the City in a form satisfactory to the City under Section 40 of The Planning Act (R.S.O. 1980 c. 379 as amended).



Recommendation - Continued...

(b) The agreement shall include:

- (i) The purchasers' acknowledgement that the Region has installed a berm approximately 50 feet wide along the rear of the property, which berm is shown on the attached plan.
- (ii) The purchasers' acknowledgement that the Region has landscaped the berm with grass, shrubs and trees to establish a visual barrier along the Queen Elizabeth Way frontage of the purchasers' property, as illustrated on landscapes plans and cross section.
- (iii) The obligation of the purchasers for themselves, their heirs, successors and assigns, as the case may be, to:
  - (a) maintain and keep good care of the said landscaping including the replacement of same when necessary;
  - (b) not to remove the landscaping or the berm, and;
  - (c) not to alter the berm or the landscaping except to improve the landscaping.

(c) The purchasers agrees to register the said site agreement on title.

3. The purchasers acknowledge that they are obligated in respect of the balance of the whole property (the bulk of their site) and the purchasers agree they shall in respect of their development of the said balance of the whole property, apply for approval of the City under Section 40 of The Planning Act, R.S.O. 1980 c. 379 as amended, and receive the approval of the City, prior to obtaining their Building Permit.
4. The purchasers also agree that paragraphs 2 and 3 shall not merge upon the delivery of the City's deed herein, but shall remain in full force and effect.

This transaction includes special building covenants, agreements and restrictions which are set out on the pages attached hereto, which terms should be included in the Committee's resolution to City Council.

  
D. W. Vyce

FINANCIAL IMPLICATIONS

*The proceeds of the sale to be credited to account 0280-02.*

BACKGROUND

This department has received an inquiry from Mr. Sam Mercanti and his brothers as to the possibility of purchasing a 1.6 acre lot on Anchor Road. The Purchasers plan to build a 12,000 square foot industrial building for leasing purposes. The Mercantis are also purchasing two adjoining lots from the Region.

Attach.

c.c. - Mr. K.A. Rouff, City Solicitor

- Mr. E.C. Matthews, City Treasurer

- Mr. G.S. Spencer, Regional Commissioner of Engineering

Attention: Mr. M. Chidley, Surveys

Attention: Mr. D. Onishi

- 6.1 The Purchaser acknowledges to the Owner that the Purchaser realizes that in addition to the sale price payable in this Offer to Purchase, there may be municipal, regional, governmental or provincial charges, fees, levies and rates to be paid by the Purchaser; in particular, without limiting the generality of the foregoing, the Purchaser realizes that he may also be required after the grant to him:
- (a) to pay municipal, realty and business taxes;
  - (b) to pay City Local Improvement Charges for City services such as streets, sidewalks and curbs;
  - (c) to pay Regional Local Improvement Charges for Regional services such as water supply, storm sewers and sanitary sewers;
  - (d) to pay Regional Special Charge (sewer impost fee), upon application for a building permit;
  - (e) to pay building permit application fee;
  - (f) to pay for storm and sanitary sewers, water lines, their connections and laterals under the street and under the Purchaser's property;
  - (g) to pay for the connection of all utilities to the premises;
  - (h) to prepare and obtain approval of site plans pursuant to The Planning Act prior to the issuance of a building permit and to enter into a site plan agreement, if requested by the municipality;
  - (i) to convey five percent (5%) of the land to the municipality for park purposes as a condition of development or redevelopment of the land for residential purposes;
  - (j) to apply for a re-zoning of the property in the event that the Purchaser's proposed use of the property is not permitted by the zoning by-law. Such application is subject to the approval of the City and the approval of the Ontario Municipal Board.
- 6.2 This Agreement may not be assigned by the Purchaser. In particular and without limiting the generality of the foregoing statement, it is understood and agreed that only the Purchaser named herein shall take title on closing and the Purchaser does not have the right to direct the Owner to convey the land to the Purchaser in trust, to the Purchaser and another or to a new third party.
- 6.3 In consideration for the grant of the hereinbefore described land to the grantee, in addition to payment of the sale price to the grantor, the grantee covenants and agrees to and with the grantor:
- 1. That the grantee shall commence construction of a building, having a minimum building area of 12,000 square feet, upon the hereinbefore described land by not later than May 24th, 1989.  
  
Building area is the greatest horizontal area of a building within the outside surface of the exterior walls. Construction is considered commenced when the foundations have been installed as determined by the Office of the Building Commissioner.
  - 2. That the grantee shall complete construction of the said building not later than May 24, 1990.  
  
The building is considered completed upon the issuance by the Office of the Building Commissioner of a Final Inspection Report.
  - 3. In the event that the grantee does not comply with covenants 1 and 2 or either of them by the date(s) set out therein, the grantee covenants and agrees that the grantee shall sell the lands to The Corporation of the City of Hamilton, free and clear

Continued.....1(b)



of all charges, encumbrances, liens, claims or adverse interests whatsoever - if requested by the City, for the sale price herein, (without any interest) - less (a) the herein deposit; (b) the commission paid (if any) by the City to a real estate agent; (c) arrears of realty taxes (including the local improvement charges), penalty and interest owing on them - and further, without increase or compensation for costs of any improvements, additions, alterations, services or structures on, in or under the said lands.

- 6.4 The Purchaser agrees that the restrictions, covenants and agreements in paragraph 6.3 shall not merge upon the closing of this transaction but shall continue in full force and effect for the benefit of the Vendor, its successors and assigns.
- 6.5 The Purchaser agrees that the deed to him which he shall execute shall be subject to and include said paragraph 6.3 and its restrictions, covenants and agreements.



FOR ACTION

18.

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS  
COMMISSIONER  
PLANNING AND DEVELOPMENT

DATE: 1988 JUNE 13  
COMM FILE:  
DEPT FILES: SA-88-06  
25T-88006

SUBJECT

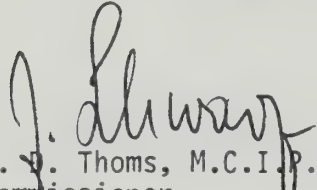
Proposed Draft Plan of Subdivision "Clark Manor".

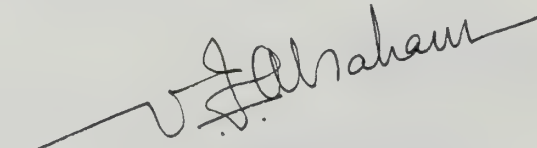
RECOMMENDATION

- a) That approval be given to Application SA-88-06, H. C. Harnden, owner, to establish a draft plan of subdivision west of Upper Gage Avenue and north of Rymal Road East, subject to the following conditions:
1. That this approval apply to the plan prepared by S. W. Woods Inc., dated February 2, 1988, revised by a change to the lot line between Lots 4 and 5 and showing 5 lots, two blocks (Blocks "6" and "7") for development with adjacent lands, one block (Block "8") for future development and one block (Block "9") as a road widening.
  2. That the street and the street widening (Block "9") be dedicated as public highways on the final plan.
  3. That the street be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
  4. That the final plan conform with the Zoning By-law approved under The Planning Act.
  5. That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
  6. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
  7. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
  8. That Blocks "6" and "7" be developed only in conjunction with abutting lands.
  9. That Eaglewood Drive be established to its full width prior to or in conjunction with the development of this plan of subdivision.



10. That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
11. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- b) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-88-06), H.C. Harnden, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

  
J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development

  
V. J. Abraham, M.C.I.P.  
Director - Local Planning

#### FINANCIAL IMPLICATIONS

N/A

#### BACKGROUND

##### Owner

H. C. Harnden, Ancaster, Ontario

##### Surveyor

S. W. Woods Inc., Hamilton, Ontario

##### Location

The lands, comprising 0.98 ha, are located on the west side of Upper Gage Avenue north of Rymal Road East in the Eleanor Neighbourhood, City of Hamilton.

##### Proposal

The owner proposes to subdivide the land for single-family dwellings to be serviced from the proposed extension of Eaglewood Drive and for multiple development on Block "8". The minimum lot size proposed has a width of 12.2m and an approximate area of 372m<sup>2</sup>.

### EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated "Residential - medium density and single and double".

Zoning - the lands of Lots 1 - 5 and Blocks "6" and "7" have been zoned "C" District and the lands of Block "8" are now subject to an appeal to the Ontario Municipal Board to permit a medium density apartment development.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

### COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the proposal:

Ministry of Municipal Affairs,  
Ministry of Transportation,  
Ministry of the Environment (subject to standard noise conditions for units fronting on Upper Gage Avenue)  
Ministry of Natural Resources,  
Ministry of Culture and Communications,  
Hamilton Region Conservation Authority,  
Ontario Hydro, Union Gas, Bell Telephone,  
City of Hamilton Board of Education,  
Hamilton-Wentworth Separate School Board,  
City Traffic Department,  
City Building Department.

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

#### "For information:

1. Lots 1 to 5 inclusive and Blocks "C" and "D" will have to await the extension of watermains and sewers up to the north limit of the subdivision.
2. The lands fronting onto Upper Gage Avenue have not been labelled as a block, however we assume that it should be Block "A". Sewer and watermain services are available on Upper Gage Avenue to service these lands.

3. The applicant should be advised that future construction of the roadway on Upper Gage Avenue may include raised centre medians which may restrict access to block "A" at some time in the future.
4. We do not expect any Regional share for services on Eaglewood Drive in conjunction with the development of this plan. Services on Eaglewood Drive, adjacent to these lands, are expected to be installed under the plan for Eaglewood Manor (25T-87040) because that plan is expected to proceed this summer. The Region will cost share under the Eaglewood Manor plan and will recover costs for services under the subdivision agreement for these lands.

Recommendations:

5. Lots 1 to 5 and Blocks "C" and "D" not be released for registration until all municipal services have been extended from the intersection of Eaglewood Drive and Sinena Avenue to the northerly limit of these lands. These services are expected to be installed in conjunction with the plan for Eaglewood Manor (25T-87040) some time this summer.
6. Eaglewood Drive, adjacent to Lots 1 to 5 and Blocks "C" and "D", is to be established to its full width prior to or in conjunction with the development of these lands. Block "B" is to be dedicated as public road allowance on the final plan if it has not been previously established as public highway when the subject lands are developed.
7. Any dead ends and open sides of the road allowances are to be terminated in 0.3 metre reserves and transferred to the Municipality.
8. The applicant is to dedicate to the Region, sufficient lands to establish the property line at 18.29 metres (60 feet) from the centreline of the original Upper Gage Avenue road allowance. An appropriate Block should be added to the approved draft plan. These lands are to be dedicated on the Final Plan of Subdivision.
9. The Developer is to enter into subdivision agreements with both the Regional Municipality of Hamilton-Wentworth and the City of Hamilton prior to the development of any portion of the lands.

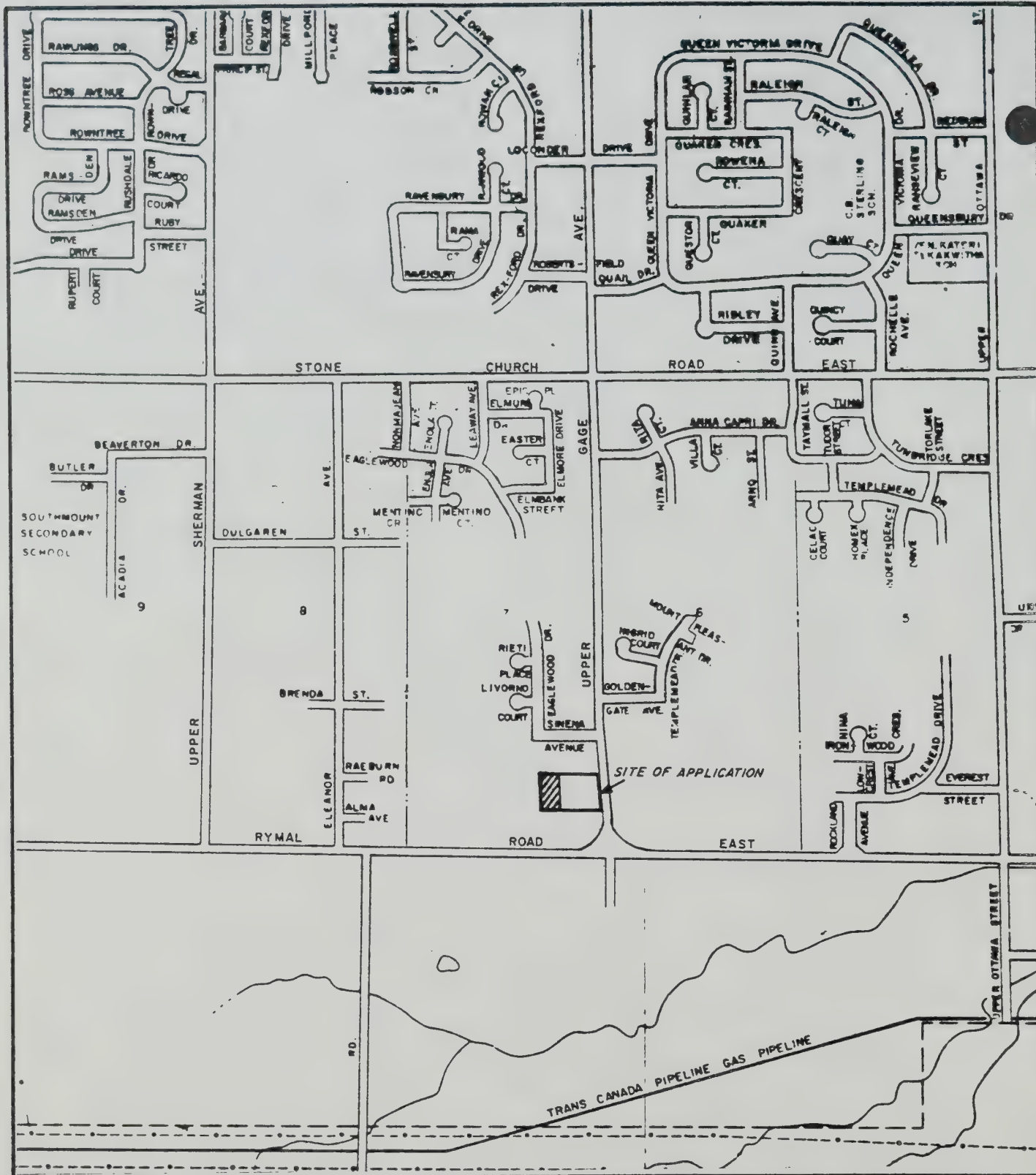
The submitted plan as prepared by Lawrence G. Woods, O.L.S. and dated February 12, 1988, is satisfactory to this Department, subject to the above-noted comments and recommendations."



COMMENTS

1. The conformity of the proposal with the Official Plans and the Zoning By-law is noted.
2. As no part of the subject lands is designated for park or recreational use on the Neighbourhood Plan, it is recommended that the parkland requirement for this subdivision be taken as cash-in-lieu of land.
3. A minor lot line adjustment is shown on the plan and subject to the compliance with the Zoning By-law and a decision on the appeal to the Ontario Municipal Board on the use for Block "8" the draft plan can be supported.
4. Lots 1 - 5 may be subject to a condition restricting their release for registration if servicing is not available at the time the Regional Municipality makes a decision.

JLS/jd



Location Plan For

CLARK MANOR

Regional Municipality of Hamilton-Wentworth  
Planning and Development Department

Legend



PROPOSED SUBDIVISION

North



Scale

1" = 1000'

Date

FEB. 26, 1988

Reference File No.

25T-88006

Drawing No.

# LEGEND

- ▣ denotes a FOUND MONUMENT
- denotes an IRON BAIL

ELEVATIONS AND CONTIGUOUS SHOWN HEREON ARE REFERRED TO CITY OF HAMILTON DATUM

# CAUTION

THIS PLAN IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT



## DRAFT PLAN

## CLARK MANOR

BEING A SUBDIVISION OF  
PART OF LOT 7 - CONCESSION 8  
IN THE GEOGRAPHIC  
TOWNSHIP OF BARTON  
NOW IN THE

## CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON WENTWORTH

SCALE 1:400

Sidney W. Woods Inc.  
1980

## METRIC

DETAILS AND ELEVATIONS SHOWN ON THIS PLAN  
ARE IN METERS AND CAN BE CONVERTED TO FEET  
BY DIVIDING BY 0.3048

## SURVEYOR'S CERTIFICATE

THE BOUNDARIES OF THE LANDS LIMITED APPLICATION BY THIS PLAN  
AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE  
ACCURATELY AND CORRECTLY SHOWN

1980

*Sidney W. Woods*  
Surveyor & Engineer  
Ontario Land Surveyor

## OWNER'S CERTIFICATE

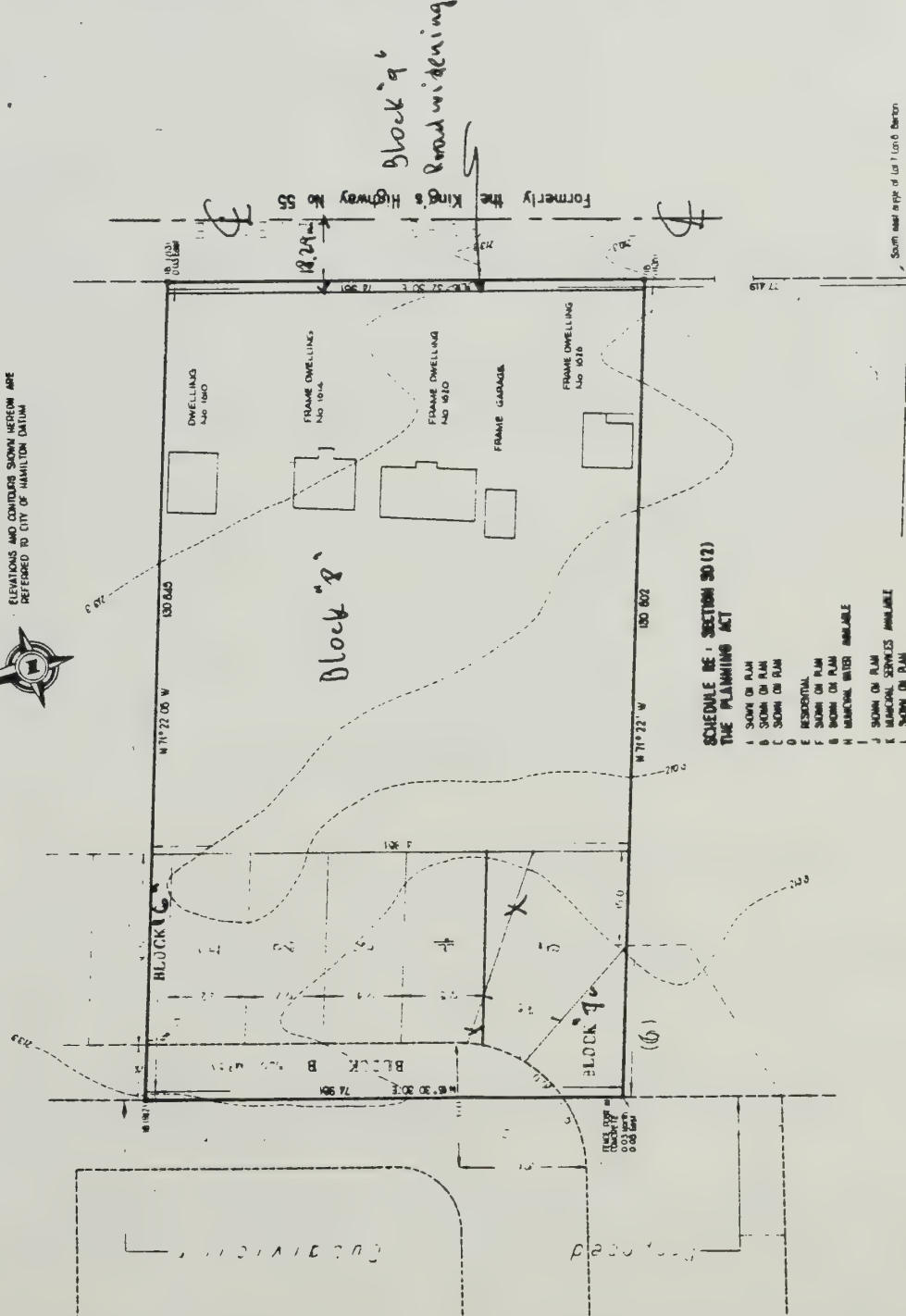
I, Sidney W. Woods Inc. INTRADU LAND  
SURVEYORS TO SUBMIT THIS PLAN FOR APPROVAL

1980

*H. C. Hendry*  
Owner

SIDNEY W. WOODS INC.  
Engineers & Surveyors  
HAMILTON ONTARIO

C-4795



## SCHEDULE DE - SECTION 30 (2) THE PLANNING ACT

- A. SOON ON PLAN
- B. SOON ON PLAN
- C. SOON ON PLAN
- D. RESIDENTIAL
- E. SOON ON PLAN
- F. SOON ON PLAN
- G. SOON ON PLAN
- H. NATIONAL WATER AVAILABLE
- I. SOON ON PLAN
- J. SOON ON PLAN
- K. NATIONAL SERVICES AVAILABLE
- L. SOON ON PLAN





FOR ACTION

19.

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS  
COMMISSIONER  
PLANNING AND DEVELOPMENT

DATE: 1988 JUNE 10  
COMM FILE:  
DEPT FILES: SA-88-09  
25T-88009

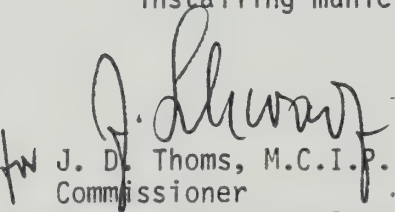
SUBJECT

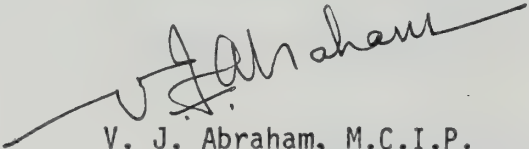
Proposed draft plan of subdivision "Rita Avenue"

RECOMMENDATION

- a) That approval be given to Application SA-88-09, Duarte Holdings, owner, to establish a draft plan of subdivision east of Upper Gage Avenue and south of Stone Church Road, subject to the following conditions:
1. That this approval apply to the plan prepared by A. J. Clarke and Associates, dated March 15, 1988 showing 24 lots and one Block (Block "25") for future multiple housing development and Block "26" as a 0.3 m reserve.
  2. That the streets be dedicated as public highways on the final plan.
  3. That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
  4. That the final plan conform with the Zoning By-law approved under The Planning Act.
  5. That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
  6. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
  7. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
  8. That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
  9. That Templemead Drive be established to its full width prior to or in conjunction with the development of this plan of subdivision.

10. That Block "26" be conveyed to the City of Hamilton as a 0.3 m reserve.
11. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- b) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-88-09), Duarte Holdings, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

  
J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development

  
V. J. Abraham, M.C.I.P.  
Director - Local Planning

#### FINANCIAL IMPLICATIONS

N/A

#### BACKGROUND

Owner - Duarte Holdings, Hamilton, Ontario

Agent - J.A.R. Inc., Hamilton, Ontario

Surveyor - A. J. Clarke & Associates, Hamilton, Ontario

Location - The lands, comprising 1.73 ha, are located on the east side of Upper Gage Avenue and south of Stone Church Road in the Templemead Neighbourhood, City of Hamilton.

Proposal - The owner proposes to subdivide the lands into 24 lots for single-family dwellings and one block for future multiple housing purposes. The minimum lot size proposed has a width of 12.5m and an area of approximately 375m<sup>2</sup>.

#### EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated "Residential - Attached Housing and Single and Double". The proposal complies.



Zoning - the lands are zoned "RT10" (Townhouse District) and D/S 547 (Urban Protected Residential - One and Two Family Dwellings) District. The proposal complies.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

#### COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the proposal:

Ministry of Municipal Affairs,  
Ministry of Transportation,  
Ministry of the Environment (subject to standard noise conditions),  
Ministry of Natural Resources,  
Ministry of Culture and Communications,  
Hamilton Region Conservation Authority,  
Ontario Hydro, Union Gas, Bell Telephone,  
City of Hamilton Board of Education,  
Hamilton-Wentworth Separate School Board,  
City Traffic Department,  
City Building Department.

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

"For information:

1. Lots 1 to 16 inclusive will have to await the extension of sewers up to the south limit of the subdivision. These services are expected to be installed during the summer of 1988, under the plan for Templemead No. 1 Survey - Phase 2 (25T-87028). Watermains are available at the north limit of these lands on Rita Avenue to service the lots.
2. Lots 17 to 24 can be serviced to sewers presently being installed on Templemead Drive adjacent to these lots. Watermains will be extended up to the north-easterly limit of Lot 17 under the plan for Anna Capri Gardens Addition (25T-86037) in the next few months, and watermains will be extended up to the southerly limit of Lot 24 under the plan for Templemead No. 1 Survey - Phase 2 (25T-87028) this summer.
3. Block "25" will have to await the extension of sewers from the south on Upper Gage Avenue. These sewers will most likely be installed under the Local Improvement Act in 1989. Watermains are available on Upper Gage Avenue to service Block "25".
4. The Region has acquired all road widenings needed on Upper Gage Avenue. Therefore there are no additional widenings required at this time.

5. The applicant should be advised that future construction of the roadway on Upper Gage Avenue may include raised centre medians which may restrict access to Block "25" at some time in the future.
6. Lands for Templemead Drive, adjacent to Lots 17 to 24 (inclusive), is presently being acquired by the City of Hamilton and will be established as a public highway by By-law.
7. There will be a Regional share for services on Templemead Drive associated with the Board of Education Lands along the east side. These costs will be recovered in accordance with present agreements between the Region and the Board for the recovery of servicing costs. The Region's share for sewers has already been approved in conjunction with Eaglewood Estates - Phase 1 construction (25T-87002). The Region's share for watermains is estimated to be \$18,500.00.

Recommendations:

8. Lots 1 to 16 not be released for registration until sewer services have been extended on Rita Avenue up to the southerly limit of The Plan.
9. Lots 17 to 24 not be released for registration until sewer and water services have been installed up to the northerly or southerly limit of The Plan.
10. The centreline of Rita Avenue is to be established at a 110m radius and should align with the existing road allowance to the north and with the proposed road allowance to be established to the south under draft plans 25T-87025 and 25T-87028.
11. Any dead ends and open sides of the road allowances are to be terminated in 0.3 metre reserves and transferred to the Municipality.
12. The Developer is to enter into subdivision agreements with both the Regional Municipality of Hamilton-Wentworth and the City of Hamilton prior to the development of any portion of the lands.

The submitted plan as prepared by A. J. Clarke, O.L.S. and dated March 15, 1988 is satisfactory to this Department, subject to the above-noted comments and recommendations."

COMMENTS

1. The conformity of the proposal with the Official Plan and the Zoning By-law is noted.
2. As no part of the subject land is designated for park or recreational use on the Neighbourhood Plan, it is recommended that the parkland requirement for this subdivision be taken as cash-in-lieu of land.

3. Lots 1 - 24 may be subject to a condition which may restrict their release for registration if services are not available at the time when the Regional Municipality will make a decision.

JLS/jd





NOTE: THIS IS A DRAFT PLAN AND IS SUBJECT TO REVIEW AND AMENDMENT.  
DISTANCES SHOWN ON THIS PLAN ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.9144

RE: CHAPTER 249, R.S.O. 1980 - SECTION 38(10) THE PLANNING ACT

A	SHOWN ON PLAN	G	SHOWN ON PLAN
B	SHOWN ON PLAN	H	MUNICIPAL PIPED WATER AVAILABLE
C	SHOWN ON PLAN	I	CLAY LOAM
D	SEE LAND USE SCHEDULE	J	SHOWN ON PLAN
E	SHOWN ON PLAN	K	MUNICIPAL SERVICES TO BE INSTALLED BY MUNICIPAL PROVIDER
F	SHOWN ON PLAN	L	NONE

**SURVEYOR'S CERTIFICATE**  
I CERTIFY THAT THE BOUNDARIES AND DISTANCES SHOWN ON THIS PLAN ARE ACCURATE AND CORRECTLY SHOWN  
MARCH 15, 1988  
DATE

**OWNER'S AUTHORIZATION**  
J. A. M. INC.  
WE, THE UNDERSIGNED, HEREBY AUTHORIZE A. J. CLARKE AND ASSOCIATES TO PREPARE AND SUBMIT THIS DRAFT PLAN TO THE REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH FOR THEIR APPROVAL  
MARCH 15, 1988  
DATE

**LAND USE SCHEDULE**  
LOTS 1 TO 24 SINGLE FAMILY DWELLING LOTS  
BLOCK 45 PURPOSE: TOWNSHIP RD.  
TOTAL AREA: 1.9 SUBDIVISION - 1.7280

**NOTE:** DISTANCES ARE APPROXIMATE AND DIFFERENT TO THE TOWNSHIP LIMIT OF UPPER MERAS AVENUE AS SHOWN ON PLAN OF A DRAFT PLAN IN A DRAFTING OF N. 87.1 P. 5

*A. J. Clarke & Associates*  
PROFESSIONAL ENGINEERS AND SURVEYORS - ONTARIO





FOR ACTION

20.

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS  
COMMISSIONER  
PLANNING AND DEVELOPMENT

DATE: 1988 JULY 5  
COMM FILE:  
DEPT FILES: SA-87-24

SUBJECT

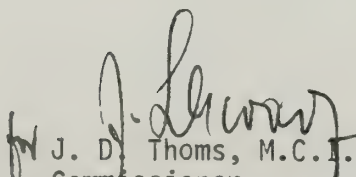
Request to amend the proposed plan of subdivision.

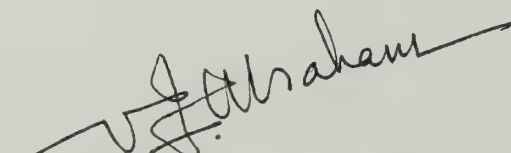
RECOMMENDATION

1. That Section 13 of the Fifth Report of the Planning and Development Committee as approved by the City of Hamilton Council on March 8, 1988 be repealed.
- 2.a) That approval be given to amend application SA-87-24, 491719 Ontario Ltd. and 663921 Ontario Ltd., owners, subject to the following conditions:
  1. That this approval apply to the plan prepared by Higgins Engineering Limited, dated 1987 April 6, revised to show 73 lots, seven blocks for development with adjacent lands, three 0.3 m reserves, one block as a cemetery, and one block for a walkway.
  2. That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
  3. That the final plan conform with the Zoning By-Law approved under The Planning Act.
  4. That the owners make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
  5. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
  6. That the owners provide the City of Hamilton with a certified list showing the net area and width of each lot on the final plan.

7. That Roads One, Two, and Four conform to the trunk sewer easement within the plan.
  8. That Road One is to be established to its full width prior to or in conjunction with the plan.
  9. That the owner is to purchase from the Regional Municipality lands known as Part 2, Reference Plan 62R-7100 and incorporate these lands in the final plan.
  10. That the centreline radii of all streets within the plan must have a 110 metre radius.
  11. That prior to the availability of the extension of sewers from the east, Lots 1 to 33 and Blocks "76" and "77" cannot be developed.
  12. That the centreline of Street Three must align with the centreline of Street "G" as shown on the draft approved plan of "Di Cenzo Gardens", Regional File No. 25T-86008.
  13. That Blocks "74", "75", "76", "77", "79", "80", and "84" inclusive be developed only in conjunction with adjacent lands.
  14. That Blocks "81", "82", "83", and "85" created by this plan as 0.3 m reserves be conveyed to the City of Hamilton.
  15. That a daylight triangle and an 86-foot road be established to its full width, as the midblock collector street north of the commercial block, prior to or in conjunction with this plan.
  16. That the owners shall erect a sign in accordance with Section XI of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
  17. That the owners agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- b) That a subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-87-24, 491719 Ontario Limited, and 663921 Ontario Limited, owners, proposed draft of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

Respectfully submitted,

  
J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development

  
V. J. Abraham, M.C.I.P.  
Director  
Local Planning

### FINANCIAL IMPLICATION

N/A.

### BACKGROUND

#### OWNERS

491719 Ontario Limited  
663921 Ontario Limited, c/o J. Paisley, Burlington, Ontario.

#### SURVEYOR

MacKay, MacKay and Peters, Hamilton, Ontario.

### LOCATION

The lands, comprising 9.163 ha, are located north of Rymal Road East and east of Upper James Street, in the Ryckmans Neighbourhood, City of Hamilton.

### HISTORY

The proposed plan of subdivision was received on July 31, 1987 and was subsequently recommended for approval by City Council on March 8, 1988.

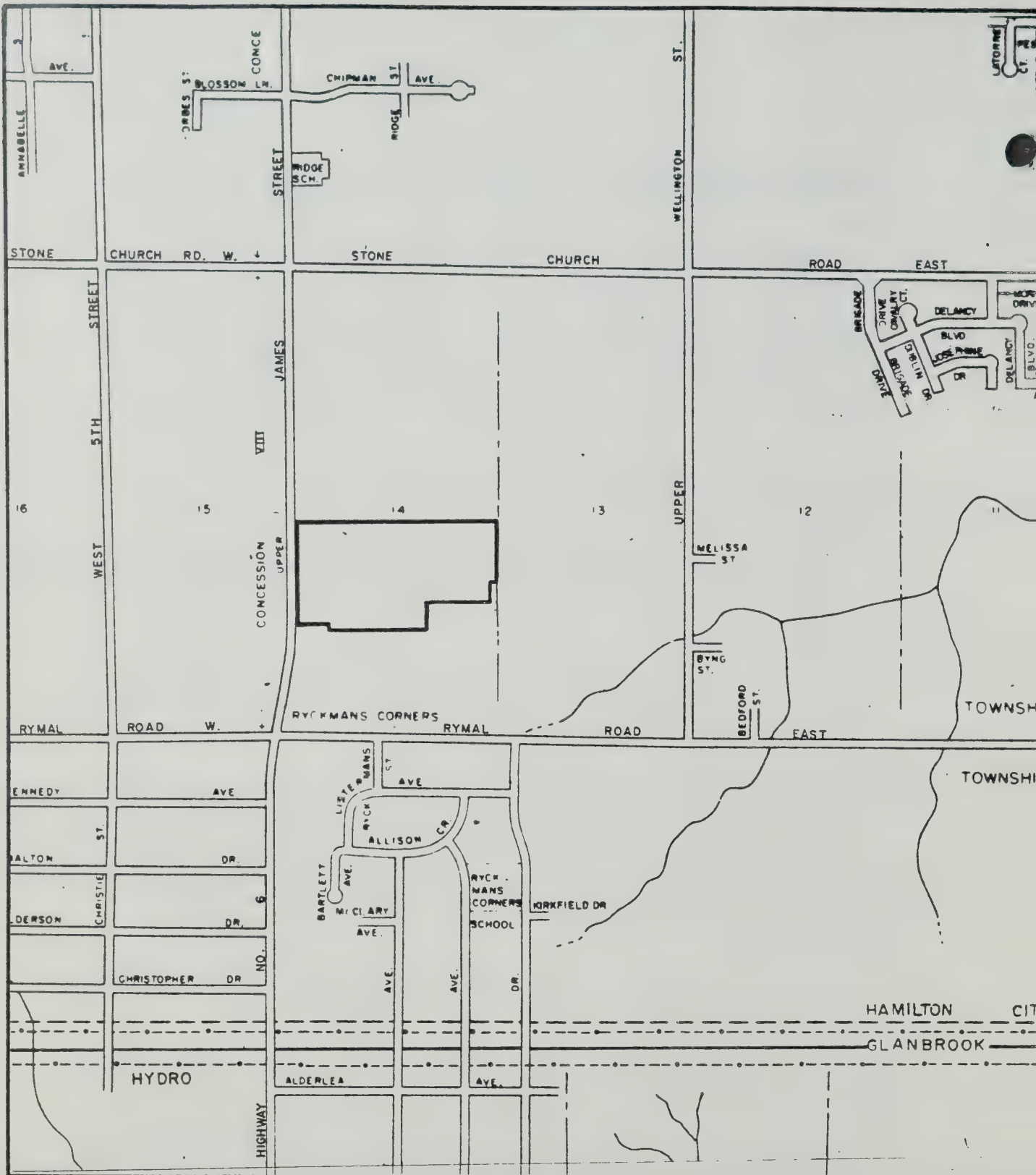
### PROPOSED REVISION

The agent for the owner has requested that the proposed commercial block be deleted to allow for the sale of the remaining residential component of this proposed plan of subdivision. The conveyance of residential lands is subject to the approval of the Regional Land Division Committee and will be subject to the deletion of the commercial block from this proposed plan.

### COMMENT

1. The area of the remaining lands will be subject to the recommended conditions of draft approval by City Council.
2. Draft approval of this proposed plan is awaiting a decision on an Amendment to the Official Plan.
3. The purpose of the proposed Amendment to the draft subdivision is to accommodate the application for a consent to convey a commercial block of the draft plan, fronting on Upper James Street, by the Regional Land Division Committee.





# Location Plan For

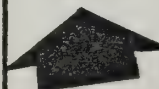
PART OF LOT 14, CON. 8  
IN THE  
CITY OF HAMILTON

Regional Municipality of Hamilton-Wentworth  
Planning and Development Department

## Legend

 PROPOSED SUBDIVISION

North



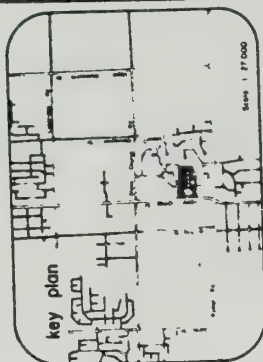
Scale  
N. T. S.

Date  
AUGUST 5, 1987

Reference File No.  
25T-87032

Drawing No.

CITY OF HAMILTON  
FORMERLY TOWNSHIP OF BARTON  
REGIONAL MUNICIPALITY OF  
HAMILTON WENTWORTH



1999 1 27 0000



lots 1 to 74 - Residential	3 158 ha
Block 75 - Commercial	2 484 ha
Blocks 76-85 & 87-90 - Future Development	0 098 ha
Roads (869 linear metres) & Block	1 823 ha
<b>TOTAL</b>	<b>9 163 ha</b>

[illegible][illegible]





FOR ACTION

21a.

REPORT TO: SUSAN REEDER, ACTING SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

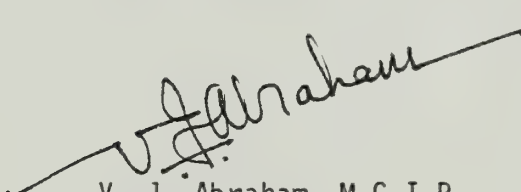
DATE: 1988 July 5  
COMM FILE:  
DEPT. FILE: 4328

SUBJECT:

OMB Hearing - Committee of Adjustment Application (A-88-40) for the property located at No. 554 James Street North.

RECOMMENDATION

That a staff member from the City Solicitors Department and other staff as required be directed to attend the Ontario Municipal Board Hearing to be held July 28, 1988 to defend the City's interest in the matter of an appeal to the OMB by 714799 Ontario Limited, 554 James Street North, from a decision of the Committee of Adjustment whereby the Committee denied the variances to establish a patio within the road allowance.

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

714799 Ontario Ltd. applied to the Committee of Adjustment to permit the establishment of an outdoor patio adjacent to a residential district. In 1985, City Council adopted By-law 86-223 which prohibited the location of patios adjacent to residential lands. The intent of the By-law was to protect residential neighbourhoods from adverse impacts (noise, parking, traffic) emanating from outdoor patios.

The department did not support the application since it is contrary to the intent of the by-law and is not considered to be minor in nature. The Committee adopted the Department's recommendation and subsequently denied the application.

#### CONCLUSION

Based on the foregoing, a staff member from the City Solicitors Department and other staff as required should attend the OMB hearing to defend the City's interest.

J.H.:nd  
W.P. DOC. 0371P

FOR ACTION

21 b.

REPORT TO: SUSAN REEDER, ACTING SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

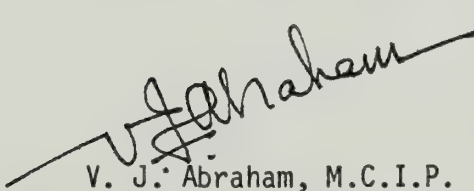
DATE: 1988 July 5  
COMM FILE:  
DEPT. FILE: 4328

SUBJECT:

OMB Hearing - Committee of Adjustment Application (A-88-74) for the property located at No. 229 Stratherne Avenue.

RECOMMENDATION

That a staff member from the City Solicitors Department and other staff as required be directed to attend the Ontario Municipal Board Hearing July 28, 1988 to defend the City's interest in the matter of an appeal to the O.M.B. by Nick Lapcevich, 229 Stratherne Avenue, from a decision of the Committee of Adjustment whereby the Committee denied variances to permit the existing dwelling and future single family dwelling to be located on substandard sized lots.

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

Mr. N. Lapcevich applied to the Land Division Committee to sever the above-noted lands into two parcels for the purposes of establishing a second single family dwelling. The Department did not support the conveyance for the following reasons:

- "a) No side yard is being provided for the existing dwelling, whereas the by-law provisions require a 1.2 m (3.94') side yard for a single family dwelling.



- b) The chimney of the existing dwelling would protrude onto the lands to be retained.
- c) The lands to be retained are not in character with the existing lotting on the street, which ranges from 25' to 49' in width.
- d) Since a side yard is required, the actual lot width would be further reduced to under 20', which is undesirable.
- e) The number of variances that would be created should the severance be approved are not considered to be minor in nature and could not be supported."

As a result, neither the Department or the Committee of Adjustment supported the variances.

#### CONCLUSION

Based on the foregoing, a staff member from the City Solicitors Department and other staff as required should attend the OMB Hearing to defend the City's interests.

J.H.:nd  
W.P. DOC. 0371P

FOR ACTION

21c.

REPORT TO: SUSAN REEDER, ACTING SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

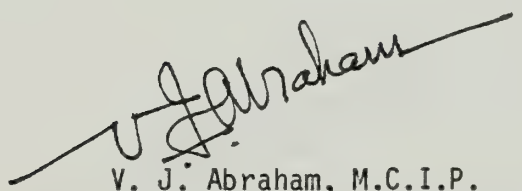
DATE: 1988 July 5  
COMM FILE:  
DEPT. FILE: 4328

SUBJECT:

OMB Hearing - Committee of Adjustment Application (A-88-50) for the property located at No. 190 Delaware Avenue.

RECOMMENDATION

That a staff member from the City Solicitors Department and other staff as required be directed to attend the Ontario Municipal Board Hearing to be held July 29, 1988 to defend the City's interest in the matter of an appeal to the OMB by Gertrude Waldbroel, 190 Delaware Avenue, from a decision of the Committee of Adjustment whereby the Committee denied the increase in the number of residents in a legal non-conforming residential care facility from 9 to 18 with no provision for additional parking spaces.

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

Gertrude Waldbroel applied to the Committee of Adjustment to permit an increase in the number of residents in a legal non-conforming, residential care facility from 9 to 18. Furthermore, there are 2 other facilities within 180 m. The facility is located within a "C" District which permits a maximum of 6 residents. In addition, the applicant can not provide the additional 3 parking spaces required. The Committee of Adjustment denied the above noted application.

In 1981, the applicant applied for a modification to the "C" District to permit an increase in the number of residents from 6 to 18. The Planning and Development Committee denied the application, at that time.

In both instances, the Planning Department did not support the changes to the existing by-laws.

#### CONCLUSION

Based on the foregoing, a staff member from the City Solicitors Department and other staff as required should attend the OMB hearing to defend the City's interests.

J.H.:nd  
W.P. DOC. 0371P



FOR ACTION

21d.

REPORT TO: SUSAN REEDER, ACTING SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

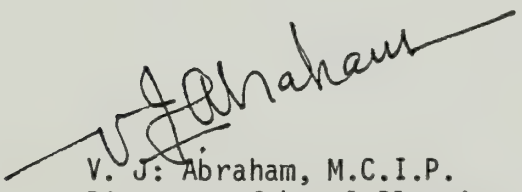
DATE: 1988 July 5  
COMM FILE:  
DEPT. FILE: 4328

SUBJECT:

OMB Hearing - Committee of Adjustment Application (A-88-19) for the property located at No. 1518 Barton Street East.

RECOMMENDATION

That a staff member from the City Solicitors Department and other staff as required be directed to attend the Ontario Municipal Board Hearing to be held September 1, 1988 to defend the City's interest in the matter of an appeal by Stevo and Zelko Culibrk, 1518 Barton Street East from a decision of the Committee of Adjustment whereby the Committee denied the variances to permit the establishment of a restaurant without the provision of an adequate number of parking spaces and that the existing parking area is adjacent to a residential area.

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

Stevo and Zelko Culibrk applied to the Committee of Adjustment to permit the establishment of a 20 seat restaurant within the existing building which also contains 3 dwelling units. The applicant can only provide 4 of the 8 parking spaces required. In addition, the parking area abuts a residential area which is contrary to the Zoning By-law. The 12 m separation between the restaurant parking area and residential district is necessary to minimize the impacts on adjacent residential areas.

The Department and the Committee did not support the application because it is contrary to the intent of the zoning by-law.

CONCLUSION

Based on the foregoing, staff members from the City Solicitors Department and other staff as required should attend the OMB hearing to defend the City's interests.

J.H.:nd  
W.P. DOC. 0371P

F O R   A C T I O N

22.

REPORT TO:     SUSAN REEDER, SECRETARY  
                 PLANNING AND DEVELOPMENT COMMITTEE

FROM:           J. D. THOMS, COMMISSIONER  
                 PLANNING AND DEVELOPMENT DEPARTMENT

DATE:            1988 June 22  
COMM FILE:  
DEPT. FILE:    P5-4-7-15

SUBJECT:

High Density Residential Development Study

RECOMMENDATION

a)    That the following recommendations be endorsed by Council:

- 1)    That the City pass a resolution urging the Province to modify the Building Code to allow for greater flexibility in the conversion of existing buildings to new residential and commercial uses, while continuing to ensure building safety and that the Planning and Development Committee refer the matter to the Planning and Development Department.
- 2)    That the City pass a resolution urging the Province to increase levels of funding for subsidized housing, especially for the purchase of land and the construction of new units, to encourage additional housing of this type in the Central Area and that the Planning and Development Committee refer the matter to the Planning and Development Department.
- 3)    That the City pass a resolution urging the Federal and Provincial Governments to create a scheme of tax incentives to encourage the rehabilitation of older properties, especially those of architectural and/or historical significance and that the Planning and Development Committee refer the matter to the Planning and Development Department.
- 4)    That the City pass a resolution urging the Province to increase funding and streamline its process for its "Convert-to-Rent" along with the various housing rehabilitation programs under Provincial jurisdiction and that the Planning and Development Committee refer the matter to the Planning and Development Department.



- 5) That the City pass a resolution requesting that as part of a review of the total property tax structure, the Province re-examine the assessment of condominium units in multiple residential buildings, in comparison to the assessment of rental units in the same type of structures and that the Planning and Development Committee refer the matter to the Planning and Development Department.
- 6) That the Central Area Plan Official Plan Amendment include a policy encouraging, where appropriate:
  - (i) lower building heights;
  - (ii) building scale, setbacks, and design which are compatible with existing streetscapes;
  - (iii) innovative design;
  - (iv) preservation of heritage buildings or of historical features such as building facades;
  - (v) preservation of trees and other landscape features;
  - (vi) dedication to the City of useable open space for a public park where appropriate;
  - (vii) turning over units for subsidized housing;
  - (viii) providing ground related units suitable for families;
  - (ix) providing facilities such as day nurseries for community use;
  - (x) providing more than the minimum number of parking spaces, and allowing public access to the additional spaces having regard to security;
  - (xi) providing enclosed parking.

The granting of planning incentives may be used to achieve the above and would be at the discretion of Council and would be applied on a site-by-site basis and that the Planning and Development Committee refer the matter to the Planning and Development Department.

- 7) That the Central Area Plan Official Plan Amendment include a policy supporting in principle the provision of off-site parking as an alternative to on-site parking, in cases where it is not feasible to provide the latter and that the Planning and Development Committee refer the matter to the Planning and Development Department.

- 8) That the Central Area Plan Official Plan Amendment include a policy supporting in principle additional neighbourhood and pedestrian oriented commercial uses in residential areas in line with neighbourhood plan policies and Official Plan policies and that the Planning and Development Committee refer the matter to the Planning and Development Department for review.
- 9) That the Central Area Plan Official Plan Amendment include a policy supporting residential intensification (through conversions and additions) and infilling, and that these terms be defined and that the Planning and Development Committee refer the matter to the Planning and Development Department for review.
- 10 a) That the Central Area Plan Official Plan Amendment include a policy supporting the following pattern for multiple residential development:
  - i) where high density development is appropriate that it be located in the downtown core and/or with access to high volume arterial roads.
  - ii) low density development be located in the centre of neighbourhoods and at a distance from the downtown core.
  - iii) medium density development be located between low density and high density development.
  - iv) that high density development should primarily be medium rise although high rise should be permitted particularly in the downtown core and in nodes where direct access to high volume arterial roads is available.
  - v) that locations of both density and high rise be determined through the neighbourhood plan.
  - vi) the appropriateness of development should be judged in accordance with the following criteria:

"where little adverse impact is created on views and vistas particularly the Escarpment and Waterfront, privacy, traffic and street scale and texture".and that the Planning and Development Committee refer the matter to the Planning and Development Department for review.
- 10 b) The Central Area Plan Official Plan Amendment should provide definitions of the terms low, medium and high density, and low, medium and high rise and that the Planning and Development Committee refer the matter to the Planning and Development Department.

- 11) That the Central Area Plan Official Plan Amendment include a policy encouraging further high density residential development in the Downtown Core and that the Planning and Development Committee refer the matter to the Planning and Development Department.
- 12) That the Central Area Plan Official Plan Amendment include a policy supporting the principle of planning incentives, as a way to facilitate the preservation of heritage buildings and that the Planning and Development Committee refer the matter to the Planning and Development Department.
- 13 a) That the Central Area Plan Official Plan Amendment include a policy supporting in certain cases the development for residential purposes of vacant areas which exist at ground level under certain apartment buildings and that the Planning and Development Committee refer the matter to the Planning and Development Department.
- b) That portions of landscaped areas of existing apartment buildings be examined for residential use as part of the proposed Housing Intensification Study, and that the matter be referred by the Planning and Development Committee to the Planning and Development Department.
- 14) That the Central Area Plan Official Plan Amendment include a policy supporting the elimination of the side yard requirement in situations where a building on a neighbouring property is built out to the side lot line, and does not have a window of a habitable room facing the subject property, provided that any new building is of a scale and height compatible with that which is adjacent and that the Planning and Development Committee refer the matter to the Central Area Plan Implementation Committee.
- 15) That the Central Area Plan Official Plan Amendment include a policy in which front yard requirements for structures may be based on the setbacks of building in the same block. This would apply to new buildings with facades compatible in terms of height with the facades of existing buildings on the street and that the Planning and Development Committee refer the matter to the Central Area Plan Implementation Committee.
- 16) That the Durand Neighbourhood Plan be reviewed in consultation with the Durand Neighbourhood Plan Implementation Committee:
  - (i) to develop new policies and designations for areas currently zoned for high density residential development;
  - (ii) to permit additional neighbourhood-oriented commercial uses in the neighbourhood residential areas.and that the matter be referred by the Planning and Development Committee to the Durand Neighbourhood Plan Implementation Committee and the Planning and Development Department.



- 17 a) That notices of public meetings of zonings and Committee of Adjustment application be circulated to appropriate neighbourhood associations and that the matter be referred by the Planning and Development Committee to the Planning and Development Department.
- b) That the Planning and Development Committee be responsible for determining which associations are included in this process and that the matter be referred by the Planning and Development Committee to the Planning and Development Department.
- 18) That new multiple residential zoning categories be established that would have the following characteristics and that the Planning and Development Department prepare a report on the following matters:
- (i) reduced required side and rear yards;
  - (ii) front yards related to the setbacks of buildings on adjacent properties;
  - (iii) reduced landscaping requirements;
  - (iv) no landscaping bonus;
  - (v) reduced building height;

These three zones would have height and density provisions in the range of the following:

- Zone "A": 4 storey maximum, 2.0 floor area/lot area ratio.
- Zone "B": 6 storey maximum, 3.0 floor area/lot area ratio.
- Zone "C": 8 storey maximum, 4.0 floor area/lot area ratio..

These zones may be applied to new areas to be rezoned for multiple residential development. Furthermore, the owners of Central Area lands within the "E", "E-1" and "E-3" Zones would be permitted to develop their property in line with the above provisions on the following basis:

- (i) lands zoned "E" could be developed according to the standards of Zone "A";
- (ii) lands zoned "E-1" also could be developed according to the standards of Zone "A";
- (iii) lands zoned "E-3" could be developed according to the standards of Zone "B".



- 19) That the following proposal "That the Zoning By-law be amended to eliminate the current requirement that a Class "A" dwelling unit created through conversion must have an area of at least 65 m. sq. (700 sq. ft.)" be considered as part of the proposed Housing Intensification Study and that the matter be referred by the Planning and Development Committee to the Planning and Development Department.
- 20) That the following proposal "That the Zoning By-law be amended to eliminate the width requirement for all multiple residential zones, in the Central Area." be considered as part of the proposed Housing Intensification Study and that the matter be referred by the Planning and Development Committee to the Planning and Development Department.
- 21) That the following proposal "That the Zoning By-law be amended to reduce the minimum required lot size to 360 m sq. (4000 sq. ft.) for all residential zones within the Central Area." be considered as part of the proposed Housing Intensification Study and that the matter be referred by the Planning and Development Committee to the Planning and Development Department.
- 22) That a planning report be prepared by the Planning Department taking into consideration the following: "That the Zoning By-law be amended to permit a portion of the landscaped area to be situated on rooftops or terraces."
- 23 a) That as part of the site plan approval process, a brief impact statement be employed, for the purpose of reviewing the impact of new multiple residential developments in the Central Area, with regards to:
  - (i) streetscape compatibility (building heights, front and side yard setbacks, etc.);
  - (ii) shadow casting;
  - (iii) wind effects;
  - (iv) views and vistas;
  - (v) traffic.
- b) That the site plan application forms be amended to include space for brief impact statements on:
  - (i) streetscape compatibility (building heights, front and side yard setbacks, etc.);
  - (ii) shadow casting;
  - (iii) wind effects;

(iv) views and vistas;

(v) traffic.

c) That the process be monitored for one year to evaluate impacts and that the matters be referred by the Planning and Development Committee to the Planning and Development Department.

- 24) That the Planning Department carry out a Housing Intensification Study, with special emphasis on the Central Area.
- 25) That the Planning Department review the home occupations permitted in the residential zones within the Central Area, for the purpose of achieving a greater variety of such uses.
- 26) That the Planning Department review the variety of commercial uses permitted in the "E" Zones, the type of structures in which such uses are permitted, and the types of conversions which may be permitted, for the purpose of increasing the amount of commercial activity.
- 27) That the Traffic Department review the parking situation in the Central Area, for the purpose of determining whether the current parking standard for multiple residential structures in the Central Area is appropriate.
- 28) That the Planning Department review the "Cash-in-lieu-of-parking" Program, for the purpose of determining whether the program should be extended to residential development.
- 29) That the Planning Department review the regulations associated with the Zoning categories found in the Downtown Core and develop new incentives, for the purpose of encouraging more housing in that part of the City.
- 30) That the Planning Department prepare guidelines for the operation of a planning incentive system and that these guidelines be incorporated into the Central Area Plan for use as a basis for decisions by the Committee of Adjustment and Council.
- 31) That the Planning Department conduct a study for the purpose of establishing shadow casting and wind effect guidelines, and to determine the height and scale of buildings to which these guidelines should apply.
- 32) That the Planning Department identify those key natural and manmade features the views of which are worthy of preservation. The study should also identify the "view corridors" associated with these features, and should produce guidelines that would encourage appropriate development within these corridors.

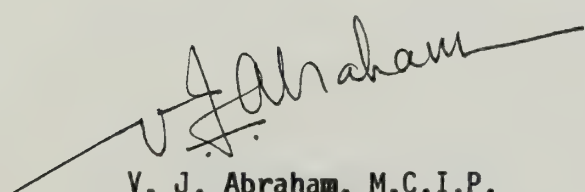
- 33) That the Planning Department and citizen committees consider the need for more high density housing in the preparation of the neighbourhood plans for Corktown, Central, Beasley, North End East and North End West.
- 34) That the City expand the current Development Incentives Program, by preparing additional planning briefs for publicly owned underutilized lands in the Central Area, for the purpose of developing those lands for housing and that the matter be referred by the Planning and Development Committee to the Planning and Development Department.
- 35) That the owners of the property shown on Map 1 be approached with the objective of modifying the zoning in order to encourage retention of existing buildings and new development which would be in character with existing development, on the following basis:
- (i) the Durand Neighbourhood Plan Implementation Committee should be responsible for approaches in the Durand Neighbourhood;
  - (ii) a pilot project should be selected by the Durand Neighbourhood Plan Implementation Committee;
  - (iii) the possibility of establishing a heritage district should be considered;
  - (iv) the right of the owners of adjacent properties to build up to the heights to which they are now entitled would not be affected and, that the matter be referred by the Planning and Development Committee to the Durand Neighbourhood Plan Implementation Committee.
- NOTE: The Planning Department, along with LACAC, will be responsible for clause (iii).
- 36) That the following proposal "That the City increase the awareness of the owners of large underutilized parcels of land in the Central Area regarding the fact that the City supports the development of many such sites for high density housing, and is willing to adopt a flexible approach to development in order to meet this objective." be considered as part of the proposed Housing Intensification Study and that the matter be referred by the Planning and Development Committee to the Planning and Development Department.
- 37) That sufficient staff be made available to undertake the initiatives outlined in this report, and to speed up the processing of development applications and that the matter be referred by the Planning and Development Committee to the Planning and Development Department.



- 38) That the following recommendation be tabled until the Planning Department considers the proposal from John Parente and bring back a report to the Planning Committee on both matters.

"that a committee, similar in make-up to the High Density Residential Study Advisory Committee, be set up to review background material and make recommendations on rent review matters for consideration by the City".

- 39) That the Province be recommended to provide guidelines in consultation with municipalities for dealing with the applications under the Rental Housing Protection Act and that the matter be referred by the Planning and Development Committee to the Planning and Development Department.
- 40) That the City pass a resolution urging the Province to provide the private market with more incentives for private rental housing particularly in the Central Area where land prices are high and that the matter be referred by the Planning and Development Committee to the Planning and Development Department.
- 41) That the City pass a resolution to urge the Province to provide funds to allow the development of small, well designed, well built housing developments that "fit" into the neighbourhood and that the matter be referred by the Planning and Development Committee to the Planning and Development Department.
- 42) That the City pass a resolution asking the Province to provide funds for community relations programs within the non-profit housing programs and that the matter be referred by the Planning and Development Committee to the Planning and Development Department.
- 43) That the City pass a resolution urging the Federal Government to raise "Maximum Unit Prices" and that a review be undertaken every six months to reflect rising costs and that the matter be referred by the Planning and Development Committee to the Planning and Development Department.
- 44) That the Planning and Development Department draw up development guidelines to enhance crime prevention.
- b) That the City report to the Ministry of Municipal Affairs that the study is complete and request that the remaining portion of the grant money (\$5,000) be forwarded.



V. J. Abraham, M.C.I.P.  
Director of Local Planning



COUNCIL ENDORSATION OF THE RECOMMENDATIONS WAS A REQUIREMENT OF THE PROVINCIAL GRANT. FURTHER ACTION NEEDS TO BE TAKEN ON EACH OF THE RECOMMENDATIONS (APART FROM RECOMMENDATION 17 AND 23) BEFORE COMING TO COUNCIL.

THE PACKAGE OF BACKGROUND MATERIAL INCLUDING BACKGROUND REPORT, MINUTES OF MEETINGS AND OTHER INFORMATION IS AVAILABLE FROM SUSAN REEDER, SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE. TELEPHONE: 526-2753.

### FINANCIAL IMPLICATIONS

A number of studies and other actions have been recommended for the Planning Department. Once the studies are determined staff will bring back a report showing ways by which the studies could be undertaken and the alternative financial implications.

### BACKGROUND

- o In April 1987, the Planning and Development Committee authorised commencement of the High Density Residential Study with with a 50% grant from the Ministry of Municipal Affairs. The objectives of the study, taken from the Central Area Plan, were:
  - significantly increase the number of people living in and around the downtown and provide a variety of housing choices for a mix of household types and incomes.
  - encourage new buildings that create an attractive environment in terms of safety, micro-climate and human scale.
  - place greater emphasis on heritage conservation and integration of new development into the fabric of the neighbourhood.
- o In November 1987, a background report was completed which included:
  - factual information relating to high density residential development.
  - analysis of information.
  - possible options for modifying policies and regulations and other City initiatives.
- o In January 1988, an advisory committee was established (Appendix 1) and met 11 times to produce a series of recommendations.
- o On April 11, 1988 and May 12, 1988 public meetings were held.
- o Background material was circulated separately to each Council member and is available in the Planning Department.

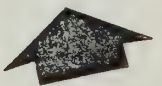
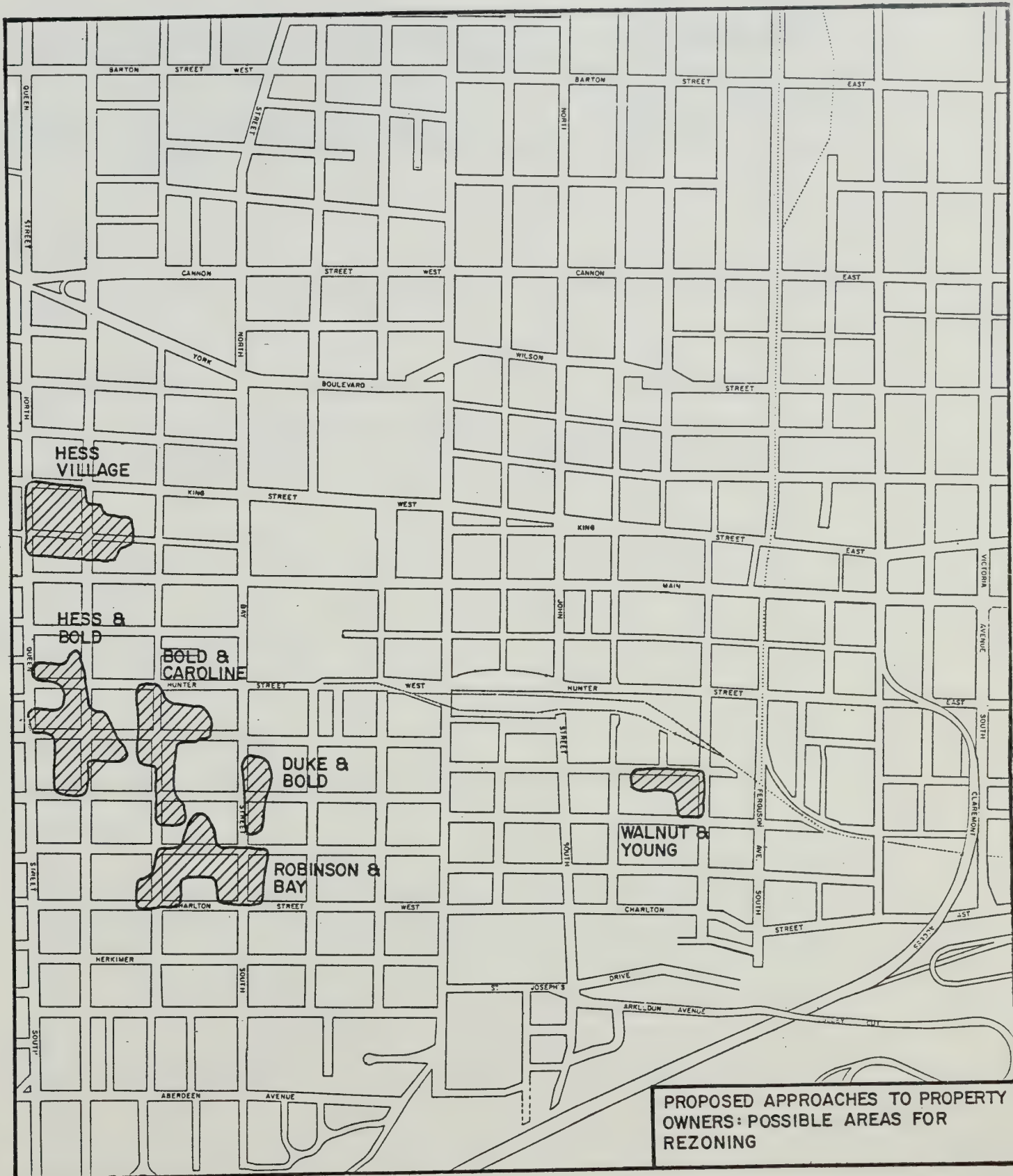
- o On June 8, 1988, the Planning and Development Committee considered the matter and asked that the Department revise recommendations to establish the process for dealing with each item.

DG/dkp

WP 0315P



# MAP 1







FOR ACTION

23.

REPORT TO: SUSAN REEDER, ACTING SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 July 5  
COMM FILE:  
DEPT. FILE: P5-4-2-17

SUBJECT:

Municipal Housing Statement Update Progress Report - results of Assisted Housing Survey.

RECOMMENDATION

That the Planning and Development Committee receive this report for information and authorize the Planning and Development Department to hold a workshop to discuss the survey findings and consider future directions.

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

On July 15, 1987, City Council adopted the terms of reference for a Municipal Housing Statement Update, and authorized staff to make application to the Ministry of Housing for a grant of \$25,000 to assist in undertaking the study. On September 15, 1987, Regional Council endorsed the City's terms of reference and application for funding.

On February 10, 1988, the Minister of Housing informed the City that its application for a housing statement grant was approved and the amount of \$30,000 would be provided. The extra \$5,000 was made available to survey senior housing needs as well as to complete a co-ordinated waiting list analysis.

As part of the update, a survey has been conducted to determine the need for assisted housing in the City. Approximately 7,200 questionnaires have been distributed to randomly selected non-senior citizen rental households. Senior citizen households have also been surveyed, by means of a separate questionnaire. In addition, over 1,400 questionnaires have been distributed to special interest groups who are involved with singles and the disabled for circulation among their clients.

### SURVEY RESULTS

#### 1) Non-Senior Citizen Rental Households

Demand for:

Market Rent Units	337
Rent Geared-to-Income Units	<u>2,766</u>
Total Demand	3,103 Units

Note: This includes traditional family households, as well as singles and couples.

#### 2) Senior Citizen Households

Demand for:

Market Rent Units	43
Rent Geared-to-Income Units	<u>1,895</u>
Total Demand	1,938 Units

Note: Under Ministry of Housing Rent Geared-to-Income housing programs, any person 60 years of age or older is eligible for housing as a senior citizen. However, as a project may take up to two years to complete, all persons 58 years of age or older have been included in the survey.

#### 3) Single and Disabled Persons

It was estimated that 77 single persons and 66 disabled persons are in need of housing assistance.

A more detailed explanation of the survey methodology and results will be distributed at the meeting as Appendix "A".

### INTENDED USES FOR SURVEY RESULTS

These results can be used by local housing providers to assist with the planning and establishment of assisted housing projects in the City. In addition, the survey results will give the Province an indication of the level of assistance required in order to meet housing needs. The Ministry of Housing uses these figures to establish social housing allocations.

The assisted housing analysis will form one portion of the Housing Statement Update which is anticipated to be completed in late 1988.

Due to the importance of the survey results for the provision of assisted housing in the City, a workshop is proposed to be held with public and private suppliers of assisted housing as well as other special interest groups. The preliminary survey results will be presented to these groups at the workshop. It is hoped that the resulting discussion will help identify concerns that could possibly be addressed by means of the Housing Statement Update.

A letter requesting a workshop is attached (Appendix "B").

MM:CS  
Attach.  
0019P







## THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Social Services  
119 King Street West, 13th floor  
Hamilton, Ontario

526-4333

Mailing Address:  
P.O. Box 910, Hamilton, Ontario  
L8N 3V9

July 6th, 1988

Victor Abraham,  
Director  
Local Planning Branch  
Regional Planning Department

Dear Victor,

I am the staff resource of a newly-established committee of non-profit housing developers. Members have discussed the importance of the Municipal Housing Statement Update to their work. At their June 29th meeting, they asked that a letter be sent to the Planning and Development Committee on their behalf, requesting the Planning Department host a public workshop to discuss the Assisted Housing Survey data, and the policy considerations flowing from that data.

Planning staff present at the meeting supported this idea, and I am offering my assistance in making arrangements, etc.

Thank you for your consideration of this request; perhaps you could contact me when you've made your decision.

Sincerely yours,

Maggie Fischbuch,  
Housing Policy & Development  
Officer

MF:jab



FOR ACTION

24.

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

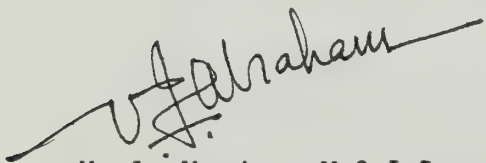
DATE: 1988 July 5  
COMM FILE:  
DEPT. FILE: P5-4-2-18

SUBJECT:

Housing Intensification Study  
Terms of Reference

RECOMMENDATION

That a request be made to the Ministries of Housing and Municipal Affairs to fund a housing intensification study for the City of Hamilton in accordance with the attached terms of reference.



V. J. Abraham, M.C.I.P.  
Director of Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- o Housing intensification involves adding more housing units and consequently allowing more people in existing neighbourhoods. Intensification can take place through redevelopment at higher densities, infilling between buildings and conversion of buildings either from another use or by subdivision.
- o The affordable housing issue has been high on the public's agenda for many years. The public sector has taken a number of initiatives such as funding for non-profit housing, tax breaks for new homeowners, rent control and rent review. The economic success of Southern Ontario in recent years has accentuated the housing affordability issue. Housing affordability is the Province's top priority issue.



- o The Province is seeking further ways of making housing more affordable. One initiative involves the development of a grant program to encourage municipalities to study housing intensification. Intensification initiatives create the potential for more affordable units. Two funding mechanisms are available for studies. Firstly, the Ministry of Housing provides a 100% grant of up to \$12,000 for a needs assessment as a component of the Municipal Housing Statement. Secondly, the Ministry of Municipal Affairs provides a Community Study Planning grant of up to \$50,000 at a rate of 75% of the cost of the planning study.
- o The City has already carried out or is currently carrying out studies relating to housing intensification.
  - 1) The update of the Municipal Housing Statement, started at the beginning of 1988 and is scheduled to finish early in 1989. The study is examining the various housing needs of the City including social housing and the needs of the disabled.
  - 2) The high density residential study started in Spring 1987 and is being finalized. The study examined how higher densities could be introduced into the central area of the City whilst being compatible with the existing urban fabric. A number of important housing intensification recommendations were made including some recommendations for matters to be included in the proposed study. (See Agenda item on High Density Residential Study).
  - 3) The Central Business District Study is due to start this summer and will finish at the end of 1989. This will include examination of ways of increasing residential development in the downtown area.
  - 4) The Townhouse Study, which started at the end of 1987, is due to be finished in September. It will look at aspects of townhousing and make recommendations about their future distribution.
  - 5) A study of Student Housing was carried out by a Task Force, starting in summer, 1987 and has recently been completed. Some issues raised concern housing intensification and have been referred to this study.

Two other projects by the Social Planning and Research Council are also relevant.

- 1) The Social Housing Impact Study which documents attitudes to social housing both of those who live in the housing and those who live around the housing. This was completed in March 1988.
- 2) The Social Housing Information and Awareness Campaign is starting this summer under the auspices of the Social Housing Action Committee which is a sub-committee of the Social Planning and Research Council. The initial stage will be completed by the end of the year.

## ANALYSIS

The City of Hamilton has experienced significant increases in housing costs and a consequent concern about affordability. There are over 1000 households on the Hamilton-Wentworth Housing waiting list. Housing affordability is a key component of quality of life for the citizens of Hamilton. Housing affordability has been recognized as an important contribution to economic growth of the Region. Housing affordability has a significant impact on Government expenditures. Housing intensification offers a possible avenue of easing the current affordability situation.

Over the last decade or so a deintensification trend has been taking place in Hamilton. There are less units and less people living in most neighbourhoods. There appears to be the potential for housing intensification. However, housing intensification must be carefully considered as there are a number of effects. Housing intensification can provide the following advantages:

- o more cost effective provision of public services. For example, money can be saved by local government on new trunk sewers, new schools, parks, fire stations, transportation and libraries;
- o more customers are available for local businesses and a greater level of service can be conveniently provided in the local area;
- o property owners have more options. House owners can adapt their buildings to changing circumstances;
- o neighbourhood assessment is increased; and,
- o more affordable housing can be provided.

Housing intensification can also create disadvantages:

- o a change in appearance of the neighbourhood;
- o more demand for public services e.g. - sewers, schools, etc.;
- o a more crowded neighbourhood;
- o more traffic congestion on the street and a potential adverse parking situation; and,
- o a resistance among residents to a different type of people moving into the neighbourhood.

Factors influencing housing intensification are contained in Official Plans, other policy documents such as neighbourhood plans and controls, particularly the zoning by-law. Policies need updating to reflect the current situation and can be developed as part of a housing intensification study. General

zoning provisions for housing as well as specific categories of zoning need to be reviewed. Other initiatives could be the introduction of new forms of housing such as granny flats, demonstration projects for higher densities single housing, conversion advice centre, education and awareness programs, etc.

### CONCLUSION

A housing intensification study could help the City achieve social and economic objectives. Generous funding is available from the Province. However, any study must be tailored to Hamilton's existing situation. The outcome of the study must take into account Hamilton's characteristics and views of the public.

A request to the Province for funding for a housing intensification study should be made in accordance with the attached terms of reference.

DG:dkp/cs

WP 0021P

## Housing Intensification Study

### Terms of Reference

#### 1. INTRODUCTION

The terms of reference form part of a proposal to the Ministries of Housing and Municipal Affairs for a grant application. The terms of reference cover:

- Objectives of the Study;
- Study Approach;
- Public Participation and Technical Support; and,
- Study Timing and costs.

A background report addressed to the Planning and Development Committee is contained in Appendix A.

#### 2. OBJECTIVES OF THE STUDY

- to provide background information and analysis on housing intensification as a basis for developing strategies;
- to determine the appropriateness of housing intensification;
- to develop a series of strategies for housing intensification as a basis for appropriate recommendations; and,
- to implement housing intensification strategies where appropriate.

#### 3. STUDY APPROACH

The study will be undertaken in the following phases:

Phase 1 (BACKGROUND) will record current trends relating to housing intensification, needs and demands, existing planning policies and controls both in the City and other municipalities, and examine current housing intensification initiatives.

Phase 2 (ANALYSIS) will analyse the material from the background phase to establish the potential and constraints for housing intensification.

Phase 3 (STRATEGIES) will develop a series of appropriate strategies for housing intensification by examining options and impacts.

Phase 4 (IMPLEMENTATION) will deal with implementation of the strategies.



#### PHASE 1 (BACKGROUND)

- affordability trends including price of housing, rentals, mortgage rates, incomes and cost of living indexes. Sources: Stats Canada, CMHC, Real Estate Board.
- review trends in household make-up and formation. Source: 1988 Assessment.
- losses and gains in residential stock through intensification and deintensification by neighbourhood. Source: 1988 Assessment.
- review household projections and current demand for types of dwelling produced through intensification. Source: Municipal Housing Statement Survey and Regional population and household projections.
- review current policies affecting housing intensification in the Official Plan, Neighbourhood Plans and other policy documents.
- review zoning by-law as it relates to housing intensification including site specific amendments and variances, conversions, low and medium density zoning, strip and suburban commercial parking.
- review current regulations affecting intensification e.g. - Building Code.
- review current programs related to intensification.
- review current and recent studies mentioned in Appendix "A" and their findings and status.
- review related literature including Affordable Home Ownership Charrette by the Toronto Home Builders Association, In Your Neighbourhood, by Lewinburg Consultants, Housing Intensification report No. 4 by the Metro Toronto Planning Department and Parking and Accessory Apartments by Marshall Macklin, Monaghan Provincial Guidelines on Housing Intensification and other relevant publications.
- review policies and controls in other municipalities.
- meet with Ministry officials and others involved in housing intensification to record current ideas and initiatives.

#### PHASE 2 (ANALYSIS)

- analyze policies and controls in other municipalities.
- analyse the existing affordability situation in relationship to the past.

- analyse the existing potential for housing intensification using the projected demand from changes in household nature and projected supply.
- analyse the current policies and whether they address present housing intensification needs.
- analyse the impediments to housing intensification in the control mechanisms including zoning by-law, building code, other regulations.
- analyse the applicability of various initiatives and ideas to Hamilton.
- analyse the need to implement current strategies.

A background document will be prepared to cover background and analysis.

#### PHASE 3 (ISSUES AND STRATEGIES)

- identify issues around parking, traffic, overcrowding, impacts on streetscape, social aspects, impact on services, maintenance value, etc.
- develop strategy options using background and analysis.
- assess impact of various strategy options.
- recommend appropriate strategies and identify implementing groups.
- meetings with key groups and agencies will be held. A workshop and public meeting will be held. Outstanding issues will be resolved.

#### PHASE 4 (IMPLEMENTATION)

- carry out the necessary strategies. For example - policy changes, changes to the zoning on a general or areawide basis, educational initiatives, home sharing demonstration projects, etc.
- a public meeting of the Planning and Development Committee will be held. Council will endorse appropriate proposals.

#### PUBLIC PARTICIPATION AND TECHNICAL SUPPORT

The study will be undertaken by the Hamilton-Wentworth Region Planning and Development Department who advise the City of Hamilton on planning matters. Part of the study will be funded (about \$20,000) by the City through their annual planning budget. The remaining part will be funded through a \$12,000 grant from the Ministry of Housing and about a \$50,000 grant from the Ministry of Municipal Affairs. City money will be used to provide allocations for in-house staff and administrative services. The Manager of the Neighbourhood Section will co-ordinate the study. The Director of Local Planning and the Managers of the Development and Policies Sections will participate throughout the study.

Ministry money will be used to hire planning staff to carry out the work and to produce publications.

A technical steering committee will be set up and include:

- a representative from the Ministry of Housing;
- a representative from the Ministry of Municipal Affairs;
- a representative from the Region of Hamilton-Wentworth Planning and Development Department;
- a representative from the Region of Hamilton-Wentworth Housing Policy Group;
- a representative from the Community Development Department;
- Director of Local Planning; and,
- a representative from the Social Planning Council.

The Steering Committee will meet approximately 10 times during the study.

The Traffic, Building and other Departments will be invited when appropriate. The study will include meetings with key groups and agencies throughout the process. Interested groups will be kept informed through notices, minutes and information packages. The study will also include a workshop and public meeting during Phase 3 to refine strategies. Workshop participants will include politicians and representatives from the concerned groups:

- Hamilton Real Estate Board;
- Chamber of Commerce;
- Central Area Plan Implementation Committee;
- Hamilton and District Home Builders Association;
- Neighbourhood Associations.
- Social Housing Action Committee (a sub-committee of the Social Planning and Research Council concerned with affordable housing)

DG/dkp/cs

WP 0021P

## HOUSING INTENSIFICATION STUDY

## Staffing and Costs

Phase 1	BACKGROUND	Days	Cost \$
	Director	2	600
	Manager	5	1,190
	Planner 1	10	1,890
	Planner 3	60	9,240
	Student	<u>60</u>	<u>8,100</u>
		137	21,020
Phase 2	ANALYSIS		
	Director	2	600
	Manager	10	2,380
	Planner 1	25	4,725
	Planner 3	<u>25</u>	<u>3,850</u>
		97	11,555
Phase 3	STRATEGIES		
	Director	3	900
	Manager	15	3,570
	Planner 1	40	7,560
	Planner 3	<u>40</u>	<u>6,120</u>
		98	18,150
Phase 4	IMPLEMENTATION		
	Director	3	900
	Manager	10	2,380
	Planner 1	50	9,450
	Planner 3	<u>50</u>	<u>7,700</u>
		113	20,430
		<u>445</u>	<u>71,155</u>
Cartographic/Technical Support			5,000
Printing/Secretarial/Administration			<u>7,000</u>
			<u>\$12,000</u>
TOTAL			<u>\$83,155</u>





FOR ACTION

25.

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

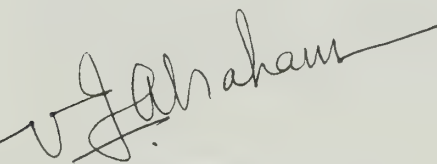
DATE: 1988 June 22  
COMM FILE:  
DEPT. FILE: P7-3

SUBJECT:

Proposed Amendment No. 36 to the Hamilton Wentworth Official Plan (Proposed Arterial Road - Stoney Creek).

RECOMMENDATION

That the Planning and Development Committee recommend to Council that the City Clerk be requested to inform the Regional Municipality of Hamilton-Wentworth that Proposed Amendment No. 36 to the Hamilton-Wentworth Official Plan does not conflict with the City of Hamilton's planning intentions.



V. J. Abraham, M.C.I.P.  
Director of Local Planning

FINANCIAL IMPLICATIONS

N/A.

EXPLANATORY NOTE

The Hamilton-Wentworth Region has requested the City's comments on proposed Amendment No. 36 which adds a proposed arterial road from Barton Street to Tapleystown Road (Stoney Creek) to allow for the establishment of a transportation route crossing the Niagara Escarpment.

## BACKGROUND

The Hamilton-Wentworth Region has initiated Amendment No. 36 to their Official Plan, (Appendix "A") which will add a proposed arterial road from Barton Street to Tapleytown Road (in Stoney Creek) to the Transportation Map. This road will provide for an access crossing the Niagara Escarpment.

The processing of the Amendment involves its circulation to various agencies and the area municipalities for input. Accordingly, the City has been requested to comment on proposed Amendment No. 36 to the Hamilton-Wentworth Official Plan.

## BASIS FOR THE AMENDMENT

- o Regional Council has determined that it is necessary to identify a future roadway across the escarpment linking lower and upper portions of Stoney Creek.
- o The designation is necessary to protect lands for the future roadway and to provide public documentation that the roadway be established in the future.

It should be noted that identification of the roadway will not preclude other associated approvals (i.e., Environmental Assessment) which are required to allow for its construction.

## ANALYSIS

The proposed roadway will follow the existing alignment of Fruitland Road between the Q.E.W. and Barton Street, at which point, it will be located 244 m east of Fruitland Road to the base of the escarpment, where it would ascend the escarpment to join Tapleytown Road south of Ridge Road (see attached map). The proposed road will run through the middle of Stoney Creek and therefore does not abut the City of Hamilton. The construction of the road is a long-term planning intention and so it does not affect the City's major transportation projects (the Perimeter Road and the Freeway).

## CONCLUSION

Based on the foregoing analysis, proposed Amendment No. 36 to the Hamilton-Wentworth Official Plan does not conflict with the planning intentions of the City of Hamilton and the Region should be informed accordingly.

JH:CS  
Encl.  
0157P

AMENDMENT NO 36  
TO  
THE REGION OF HAMILTON-WENTWORTH  
OFFICIAL PLAN  
HAMILTON-WENTWORTH PLANNING AREA

JH

April 1988



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

BY-LAW NO. R

BEING A BY-LAW TO ADOPT AMENDMENT NO 36 TO THE OFFICIAL PLAN FOR THE HAMILTON-WENTWORTH PLANNING AREA ATTACHED TO AND FORMING PART OF REGIONAL BY-LAW NO.R

The Council of the Regional Municipality of Hamilton-Wentworth in accordance with the provisions of Section 17 and 21 of The Planning Act, 1983, S.O. 1983, Ch. 1, hereby enacts as follows:

1. THAT the schedule attached hereto and so designated is hereby adopted as Amendment No. 36 to the Official Plan for the Hamilton-Wentworth Planning Area.
2. THAT the Clerk of the Region is hereby directed to forward Amendment No. 36 to the Official Plan for the Hamilton-Wentworth Planning Area.
3. THAT the Official Plan attached to and forming part of By-law No. R80-094 is hereby amended by adding thereto the schedule attached hereto.
4. THAT this By-law shall come into force and take effect on the day of its final passing.

READ a first, second and third time and finally passes and enacted  
this        day of        , 1988.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Clerk

PART 1 THE CERTIFICATION

AMENDMENT NO. 36

TO THE REGION OF HAMILTON-WENTWORTH OFFICIAL PLAN  
THE HAMILTON-WENTWORTH PLANNING AREA

Amendment No. 36 to the Region of Hamilton Wentworth Official Plan, Hamilton-Wentworth Planning Area, constituting the explanatory text and schedule, was prepared by the Planning and Development Department of the Regional Municipality of Hamilton-Wentworth and adopted by Regional Council by By-law No. \_\_\_\_\_ in accordance with Section 17 the The Planning Act, 1983, S.O. 1983, Ch. 1, on the \_\_\_\_\_ day of \_\_\_\_\_ 1988.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Clerk

## PART II - THE PREAMBLE

### 1. TITLE

This Amendment shall be known as Amendment No. 36 to the Region of Hamilton-Wentworth Official Plan, Hamilton-Wentworth Planning Area.

### 2. COMPONENTS OF THIS AMENDMENT

Only that part of this document entitled "PART III - The Amendment", comprising the attached schedule, constitutes Amendment No. 36 to the Region of Hamilton-Wentworth Planning Area.

### 3. PURPOSE OF THE AMENDMENT

To add a proposed arterial road from Barton Street to Tapleytown Road, in Stoney Creek on Map No. 5 - Transportation, to allow for the establishment of a transportation access to provide an access crossing the Niagara Escarpment.

### 4. LOCATION OF THE AMENDMENT

The corridor will follow the existing alignment of Fruitland Road from the Q.E.W. southerly to Barton Street at which point the corridor will be located approximately 800' to the east of Fruitland Road to the base of the escarpment where it would ascend the escarpment on an oblique angle joining Tapleytown Road south of Ridge Road in the City of Stoney Creek.

### 5. BASIS OF THE AMENDMENT

Regional Council has determined that it is necessary to identify a future roadway to provide transportation service across the escarpment from lower to upper Stoney Creek.

The designation is necessary to protect lands for the future roadway and to provide public documentation that the roadway may be established in the future.

Identification of the roadway will not preclude other associated approvals (i.e. Environmental Assessment) which are required to allow for its construction.

### PART III - THE AMENDMENT

#### 1. INTRODUCTION

The whole of this part of the document entitled "PART III - The Amendment", which consists of the following schedule constitutes Amendment No. 36 to the Region of Hamilton-Wentworth Official Plan, Hamilton-Wentworth Planning Area.

#### 2. DETAILS OF THE AMENDMENT

Map No. 5 - Transportation, a portion of which is attached hereto as schedule "A", is hereby amended by adding the "proposed arterial road" as shown.

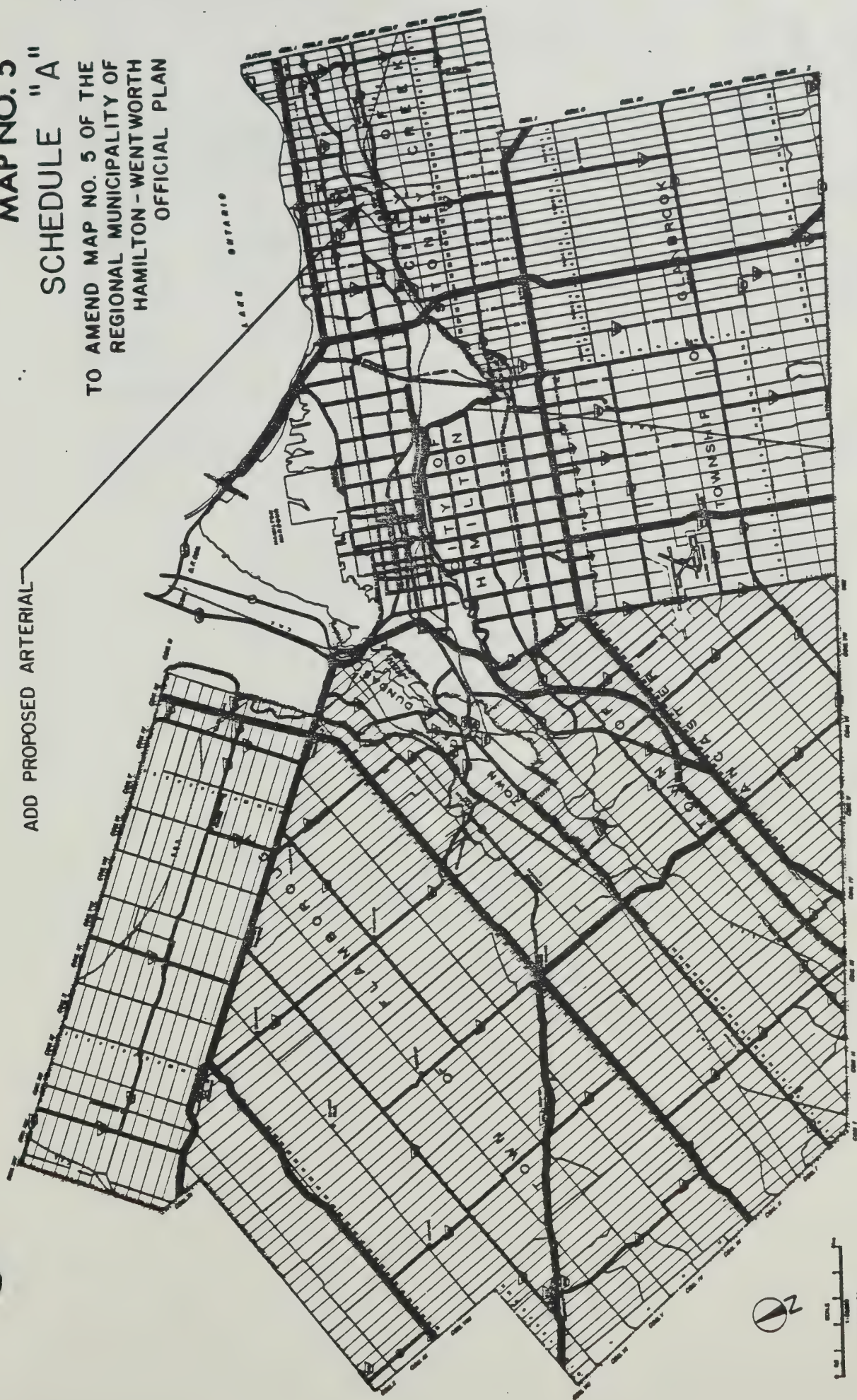




# MAP NO. 5 SCHEDULE "A"

TO AMEND MAP NO. 5 OF THE  
REGIONAL MUNICIPALITY OF  
HAMILTON - WENTWORTH  
OFFICIAL PLAN

ADD PROPOSED ARTERIAL



## LEGEND

EXISTING PROPOSED

INTER-REGIONAL HIGHWAY

PROPOSED

ARTERIAL

PROPOSED

## TRANSPORTATION

Planning & Design Department  
Hamilton-Wentworth Region



FOR ACTION

27.

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 June  
COMM FILE:  
DEPT. FILE: ZA-83-45  
ELEANOR  
NEIGHBOURHOOD

SUBJECT

Second Report

Request for a change in zoning for property located at the south-east corner of Upper Sherman Avenue and Stone Church Road East, and lands municipally known as No. 1411 Upper Sherman Avenue and No. 688 Stone Church Road East as shown on the attached map marked as APPENDIX "A".

- a) That approval be given to Zoning Application 83-45 Sunoco Inc., owner, Rosart Properties Inc., agent, for a change in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "G-1" (Designed Shopping Centre District), for lands located at the south-east corner of Upper Sherman Avenue and Stone Church Road East, and lands municipally known as No. 1411 upper Sherman Avenue and No. 688 Stone Church Road East, as shown on the attached map marked as APPENDIX "A" on the following basis:
- i) That the lands described as Block 1 be rezoned from "AA" (Agricultural) District to "G-1" (Designed Shopping Centre) District;
  - ii) That the lands described as Block 2 be rezoned from "C" (Urban Protected Residential, etc.) District to "G-1" (Designed Shopping Centre) District;
  - iii) That the "G-1" (Designed Shopping Centre) District regulations as contained in Section 13A of Zoning By-law No. 6593 applicable to the lands described as Blocks 1 and 2, be modified to include the following variance as a special requirement:



- (a) That a 6.0 m (19.69 ft.) wide landscaped planting strip and a 1.2 m (3 ft.) to 2.0 m (6.56 ft.) high visual barrier be established along and within the easterly and southerly limits of the "G-1" (Designed Shopping Centre) District (Blocks 1 and 2) adjoining a residential district.
- iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on zoning District Map E-38C be notated S- ;
- v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38C;
- vi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

#### EXPLANATORY NOTE

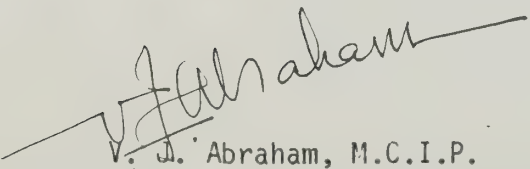
The purpose of the By-Law is to provide for the following changes in zoning for property located at the south-east corner of Upper Sherman Avenue and Stone Church Road East, and No. 688 Stone Church Road East, as lands municipally known as No. 1411 Upper Sherman Avenue and shown on the attached map marked as APPENDIX "A":

- Block 1 - Change from "AA" (Agricultural) District to "G-1" (Designed Shopping Centre) District;
- Block 2 - Change from "C" (Urban Protected Residential, etc.) District to "G-1" (Designed Shopping Centre) District.

The effect of the By-Law is to permit development of the subject lands for a shopping centre and a self-serve gas bar.

In addition, the By-Law provides for the following variance as a special requirement:

That a 6.0 m (19.69 ft.) wide landscaped planting strip and a 1.2 m 3.9 ft. to 2.0 m (6.56 ft.) high visual barrier be established along and within the easterly and southerly limits of the "G-1" (Designed Shopping Centre) District (Blocks 1 and 2) adjoining a residential district.

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

FINANCIAL IMPLICATIONS      N/A

BACKGROUND

The purpose of the proposed change in zoning is to permit development of the subject properties for a shopping plaza, having a gross floor area of approximately 2,787 m<sup>2</sup> (20,000 sq. ft.) and a self-serve gas bar in accordance with the limits of commercial development shown on the approved Butler Multicentre Plan.

ECONOMIC FACTORS

The applicant has advised that the proposal will result in the creation of six new business establishments employing approximately 60 people. The proposed development will cost in excess of \$1,000,000 and will create approximately 40 construction related jobs primarily from firms located within the City of Hamilton and the Hamilton-Wentworth Region. The project will use products and components from local manufacturers.

APPLICANT

Sunoco Inc., owner, Rosart Properties Inc., agent.

LOT SIZE AND AREA

An "L" shaped parcel of land having:

- o      86.26 m (283.0 ft.) of frontage on Stone Church Road East;
- o      a lot depth of 157.37 m (499.9 ft.); and,
- o      10,084.30 m<sup>2</sup> (108.550 sq. ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject lands</u>	Single-family dwelling and vacant lands	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District

Surrounding lands

To the north	A church	"AA" (Agricultural) District
To the south, east and west	Single-family dwellings and vacant lands	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District

OFFICIAL PLAN

Designated "Commercial" by Amendment No. 46 to the Official Plan, the proposal complies.

NEIGHBOURHOOD PLAN

Designated "Commercial" on the approved Eleanor Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED

- o The Building Department has no comment.
- o The Traffic Department find the application to be satisfactory as it complies with the Official Plan, the approved Eleanor Neighbourhood Plan and the Butler Multicentre Plan.
- o The Hamilton-Wentworth Engineering Department has advised that:  
  
"Storm and sanitary sewers and municipal water supply is available to service the subject lands.  
  
A road widening dedication sufficient to establish the property line on Stone Church Road 15.24 m (50 ft.) from centre line of the original road allowance is warranted from an Engineering standpoint.

Similarly warranted is a road widening, sufficient to establish a 12.19 m (40 ft.) daylight triangle on the south-east corner of Stone Church Road and Upper Sherman Avenue from the widened road limits of these respective roads.

The subject lands should be developed under site plan control and in accordance with the Approved Neighbourhood Plan.

## COMMENTS

1. The proposal complies with the Official Plan.
2. The proposal complies with the intent of the Eleanor Neighbourhood Plan and the Butler Multicentre Plan.
3. The proposal has merit and warrants consideration for the following reasons:
  - a) it implements the intent of the Official Plan, the approved Butler Multicentre Plan and the approved Eleanor Neighbourhood Plan;
  - b) Policy A.2.2.37 of the Official Plan states, "that the preferred location of an Automobile Service Station will be adjacent to the intersection of major roads." The proposed gas bar location would implement this policy;
  - c) the proposed community shopping facility will form a vital part of the proposed Butler Multicentre Plan, and its development should only encourage more new development within the multicentre. The proposed commercial development will provide a needed community shopping facility for the existing and future residents of the four neighbourhoods surrounding the Butler Multicentre.
  - d) the requested "G-1" (Designed Shopping Centre) District would be the appropriate zoning for the proposed gas bar and shopping centre development.
4. As set out on the approved Eleanor Neighbourhood Plan, a 6.0 m wide (20.0 ft.) landscaped planting strip is required along the boundary between the proposed commercial development and the adjoining residential development. In this regard, to ensure privacy and protection for the existing and proposed residential development it is suggested that the amending By-law include a special provision requiring the applicant to provide for the 6.0 m (20.0 ft.) wide landscaped planting strip and a 1.2 m (3.94 ft.) to 2.0 m (6.56 ft.) high visual barrier along and within the easterly and southerly limits of the "G-1" District.
5. Development of the subject lands will be subject to the provisions of the Site Plan Control By-Law 79-275 which requires the applicant to submit a site plan for the approval of the Planning and Development Committee prior to the issuance of a building permit. In this regard, matters dealing with road widenings, access points, landscaping, gardening, etc. can be reviewed.

## CONCLUSION

On the basis of the foregoing, the application can be supported.

GAW:nd/ma



RT-10/S  
-539

AA

AA

SITE PLAN CONTROL  
BY-LAW 82-220

H/  
S-331

THE LUMBER  
OF JESUS CHRIST OF  
LATTER-DAY SAINTS  
1301

STONE CHURCH ROAD EAST

AVENUE

SHERMAN AVENUE

AVENUE

ELEANOR

BEAVERTON DRIVE

R4-H/S-1028

AA/S-684

DULGAREN

### LEGEND

BLOCK 1

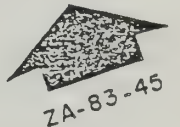


CHANGE IN ZONING FROM "AA" (AGRICULTURAL) DISTRICT TO  
"G-1" (DESIGNED SHOPPING CENTRE) DISTRICT.

BLOCK 2



CHANGE IN ZONING FROM "C" (URBAN PROTECTED RESIDENTIAL, ETC.)  
DISTRICT TO "G-1" (DESIGNED SHOPPING CENTRE) DISTRICT.



ZA-83-45

FOR ACTION

28.

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 June 20  
COMM FILE:  
DEPT. FILE: ZA-87-82  
STINSON NEIGHBOURHOOD

Second Report

SUBJECT:

Request for a modification to the established "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations for property at Nos. 60 - 62 West Avenue South, as shown on the attached map. The purpose of the proposed modification is to:

- permit the accommodation of 20 residents in the existing residential care facility, instead of the permitted 15 residents;
- delete the requirement that residents must be at least 60 years of age; and,
- delete one additional required parking space.

RECOMMENDATION

a) That approval be given to Zoning Application 87-82, Gwynette Seymour and Frederick Seymour, owners, requesting a further modification to the established "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations for property at Nos. 60 - 62 West Avenue South, as shown on the attached map marked as APPENDIX "A" on the following basis:

- i) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of the Zoning By-law 6593 as amended by By-law 83-61 passed by City Council on February 22, 1983, applicable to the subject lands be further amended to include the following variances as special provisions:
  1. That Section 1.(a) of By-law No. 83-61 be amended by deleting the following wording after the word "that" in the third line; "twelve residents of at least 60 years of age", and substitute the following new wording, "twenty residents".
  2. That Section 1.(c) of By-law No. 83-61 be amended by deleting the following word after the word "that" in the first line "four", and substitute the following new word "six".

3. That a new Section 1(d) be introduced which reads as follows:

Notwithstanding Section 18A.(9) of Zoning By-law No. 6593, the required maneuvering area for the required six parking spaces may be located off the site.

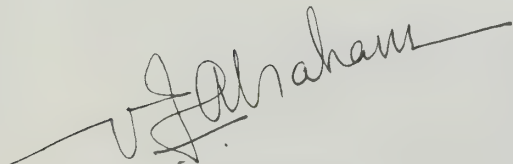
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-810a, and that the subject lands on zoning District Map E-14 be notated S-810a;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-14;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

#### EXPLANATORY NOTE

The purpose of the By-law is to provide for an amendment to By-law 83-61, passed by City Council on February 22, 1983.

The effect of the By-law is to permit a maximum of 20 residents in the established residential care facility as opposed to 12 residents previously permitted, and to remove the age restriction of at least 60 years of age, which previously applied to the site.

In addition, the By-law now requires a minimum of six parking spaces to be provided on the site, as opposed to a minimum of four parking spaces previously required, and permits the required maneuvering area for the parking spaces to be provided off-site.



V. J. Abraham, M.C.I.P.  
Director of Local Planning

#### FINANCIAL IMPLICATIONS

N/A.

## BACKGROUND

On September 30, 1987 a Public Meeting was scheduled by the Planning and Development Committee to consider the subject application. Prior to proceeding with the hearing on the application, the applicant's solicitor requested that the application be tabled until further advised.

## PREVIOUS APPLICATIONS

On February 22, 1983, City Council passed By-law 83-61, which modified the established "E" District to permit a residential care facility for the accommodation of a maximum of 12 residents of at least 60 years of age. The By-law received final Ontario Municipal Board approval on April 19, 1983.

On August 28, 1984, the Committee of Adjustment approved a minor variance application to permit an increase in the capacity of the subject residential care facility from 12 to 15 residents, and to provide for only four parking spaces instead of the required five parking spaces.

## APPLICANTS

Gwynette Seymour and Frederick Seymour, owners.

## LOT SIZE AND AREA

- 9.46 m (31.0 ft.) of lot frontage on West Avenue South;
- a lot depth of 37.0 (121.0 ft.); and,
- 422.28 m<sup>2</sup> (4,545.5 sq. ft.).

## LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	3-storey 20-room brick dwelling used as a residential care facility for the accommodation of 15 residents.	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified to permit a residential care facility.
<u>Surrounding Lands</u>		
To the north	Mixed residential uses, including residential care facilities, and the Claremont Access	"A" (Conservation Open Space, Park and Recreation) District and "E" (Multiple Dwellings, Lodges, Clubs, etc.) District



To the south and west	One- and two-family dwellings	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District
To the east	Central Memorial Recreation Centre	"A" (Conservation Open Space, Park and Recreation) District

#### OFFICIAL PLAN

Designated "Residential", the proposal complies.

#### NEIGHBOURHOOD PLAN

Designated for "Medium Density Apartments" on the approved Stinson Neighbourhood Plan, the proposal complies.

#### COMMENTS RECEIVED

- The Building Department has advised that:  
"The present zoning E/S-810 amended by Committee of Adjustment application A-84-141 permitted a residential care facility for 15 residents of at least 60 years of age and only four off-street parking spaces to be provided on the land. Twenty residents in a residential care facility requires seven parking spaces."
- The Traffic Department has advised that:  
"We have reviewed the provisions of parking with the applicant and agreed that six spaces can be provided on site, as shown in red on the attached plan. The proposed parking layout will require a variance to the by-law to allow the required maneuvering area to be located off the site, which we can support, given the location and site limitation. In addition, we wish to advise that we would support a variance to reduce the required parking from seven to six spaces. We do not anticipate that a reduction in the required parking of one space will have a negative impact on the adjacent residential area. The applicant should be advised that the access to spaces five and six from Hunter Street will require a driveway approach from the Department."
- The Hamilton-Wentworth Engineering Department has advised that:  
"Public watermains as well as combined storm and sanitary sewers are available to service the subject lands."

According to Survey Plan -P816A, the existing veranda at 60 - 62 West Avenue South encroaches into the Hunter Street East road allowance. We recommend that applicant enter into encroachment agreement(s) with the City of Hamilton for this verandah and step encroachment.

For the information of the applicant:

- we do not anticipate any further road allowance widenings at this time;
  - according to our records, the alley adjacent to the subject lands is public unassumed."
- The Region of Hamilton-Wentworth Department of Social Services has advised as follows:

"The above applicants have produced evidence from professionals in the community and from the Hamilton Psychiatric Hospital that the additional beds being sought will be filled. The support letters (attached) indicate that this home, indeed, provides a particular approach to developmentally handicapped persons that is very beneficial.

In view of the above, we support the application that the current capacity of 15 beds be raised to 20 beds."
  - The Hamilton Region Conservation Authority, City Licensing Department and the Local Architectural Conservation Advisory Committee staff have no comments or objections.

#### COMMENTS

1. The proposal would not conflict with the intent of the Official Plan or the approved Stinson Neighbourhood Plan.
2. The proposal to permit an increase in the capacity of the established residential care facility from 15 residents to 20 residents without an age limitation has merit and can be supported for the following reasons:
  - a recent site inspection of the property revealed that the existing building is quite large and can easily accommodate the five additional residents;
  - the residents of the facility range in age from 20 to 55 years, as opposed to 60 years of age or older, and most are in self-help programs in the community during the day, and none drive cars;
  - parking for the facility does not appear to be a problem as six spaces can be accommodated on the site. At the time of the site inspection, only one car was parked on site, and there were few cars parked on streets in this area;

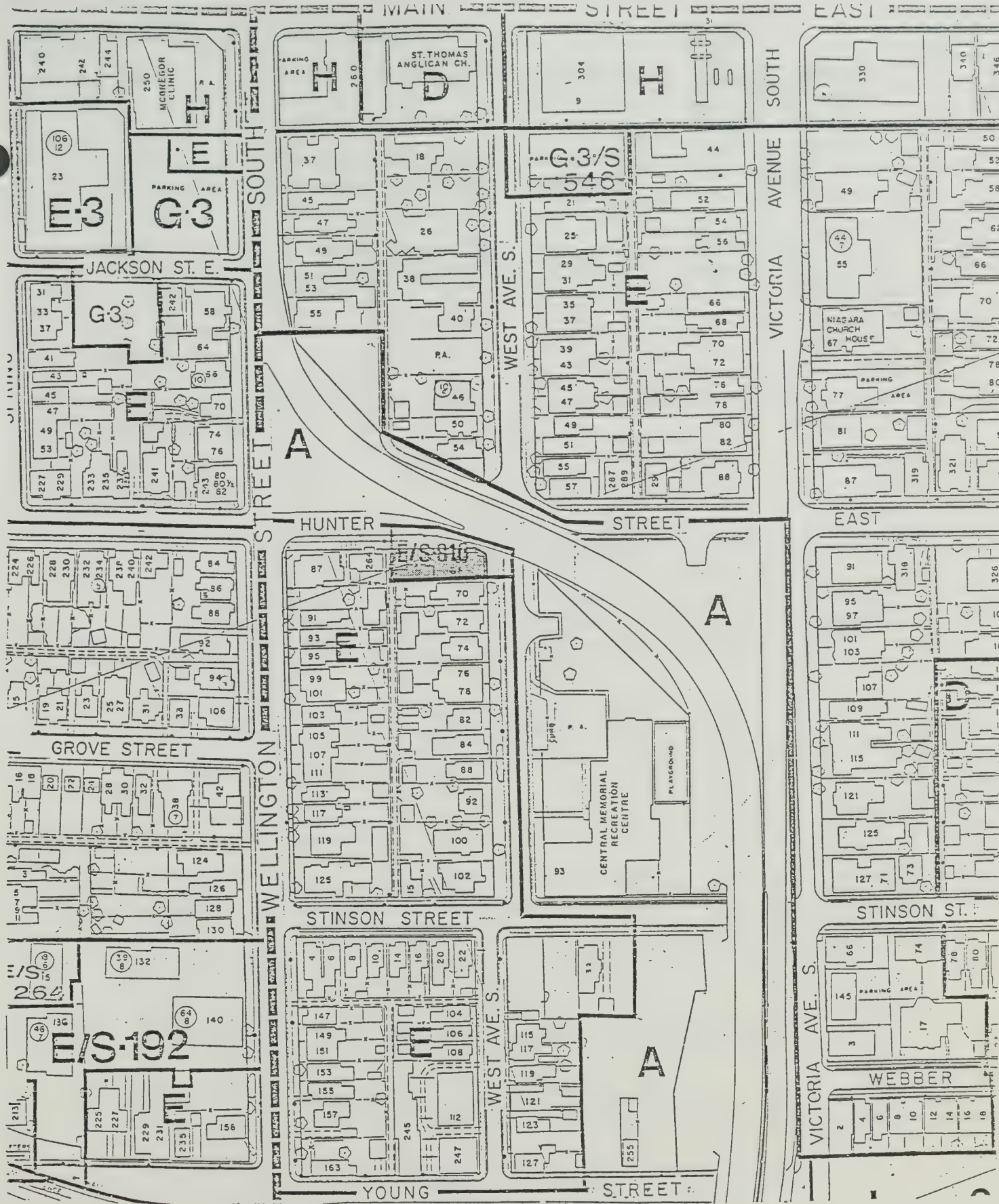
- the Traffic Department have reviewed the application in light of proposed parking for the facility and are satisfied that six spaces and required off-site maneuvering areas can be provided;
  - the Hamilton-Wentworth Department of Social Services are now satisfied that there is a need for the additional beds for the type of residents to be accommodated in the subject facility, and they support the work being done for developmentally handicapped persons;
  - the site is located within 70 m (230 ft.) of the only established residential care facility to the west of the Claremount access, and is physically separated from the balance of the neighbourhood where there are 6 other residential care facilities, thus the proposal represents an innoxious use that would not have the effect of ghettoizing.
3. In order to implement the requested changes, it is suggested that By-law No. 83-61 passed by City Council on February 22, 1983, applicable to the subject lands, be amended on the following basis:
- to delete reference to the capacity and age of the residents of the residential care facility in Section 1.(a); "twelve residents of at least 60 years of age"; and substitute the following new wording: "twenty residents";
  - to delete reference to "four" parking spaces in Section 1.(b) and substitute the word "six";
  - to introduce a new Section 1.(d) to permit the required maneuvering area for the six required parking spaces to be located off-site.

### CONCLUSION

On the basis of the foregoing, the application can be supported.

GW:CS/ma  
Encl.  
0157P

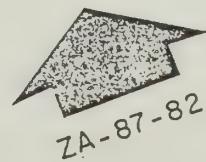




## LEGEND



SITE OF THE APPLICATION







FOR ACTION

29

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

COMM FILE:  
DEPT. FILE: ZA-88-12  
Barnstown  
Neighbourhood

SUBJECT:

Request for changes in zoning for the property municipally known as No. 401 Rymal Road East.

RECOMMENDATION

- (a) That part of an amended Zoning Application ZA-88-12, Wentwal Developments Ltd., owner, requesting a change in zoning from "AA" (Agricultural) District to "G-1" (Designed Shopping Center) District (Block "5"), to permit the development of the subject lands for a commercial plaza for the property municipally known as No. 401 Rymal Road East as shown on the attached map marked as APPENDIX "B", be denied as submitted for the following reasons:
- i) that there is an adequate supply of commercial zoned land in the surrounding area to serve the needs of the residents of the neighbourhood. In addition, the applicant has not justified a need for additional commercial land.
  - ii) it does not comply with the Official Plan or the approved Barnstown Neighbourhood Plan.
- (b) The approval be given to an amended Zoning Application requesting changes in zoning to permit the development of the subject lands for townhouses (Blocks "2", "3"), apartments (Blocks "4" and "5") and to establish the appropriate zoning for the existing dwelling (Block "1") as shown on the attached map marked as APPENDIX "B", on the following basis:
- i) That Block "1" be rezoned from "AA" (Agricultural) District to "D" (Urban Protected Residential - One and Two Family Dwelling, Townhouses) District.
  - ii) That Block "2" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District.
  - iii) That Block "3" be rezoned from "AA" (Agricultural) District to "RT-30" (Street - Townhouse) District.

- iv) That Blocks "4" and "5", be rezoned from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District.
- v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18E;
- vi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

#### EXPLANATORY NOTE

The purpose of this By-law is to provide for changes in zoning for the property municipally known as No. 401 Rymal Road East, on the following basis as shown on the attached map:

- Block "1" From "AA" (Agricultural) District to "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses) District.
- Block "2" From "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District.
- Block "3" From "AA" (Agricultural) District to "RT-30" (Street - Townhouse) District.
- Block "4" From "AA" (Agricultural) District to "E-2" (Multiple  
and "5" Dwellings) District.

The effect of the By-law is to permit the development of the subject lands for townhouses (Blocks "2" and "3") and apartments (Blocks "4" and "5") and to establish the appropriate zoning for the existing single family dwelling (Block "1").

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

#### FINANCIAL IMPLICATIONS

N/A

#### BACKGROUND

With respect to the zoning application, after discussion with the department, the applicant has amended his application twice. Once to reduce the size of the commercial block from 5 acres to 2 acres and the second time to split Block "3" (as denoted on APPENDIX "A") into 3 different zoning districts ("RT-20", "RT-30" and "E-2").

The applicant has applied for and received preliminary approval from the Land Division Committee to sever Block "1" from the remaining blocks (H:16:88) Final approval is pending the completion of the rezoning and the satisfaction of the Engineering requirements.

LOT SIZE AND AREA (APPENDIX "B")

Block "1"

- o 37.03 m (121.49 ft) of lot frontage;
- o 54.73 m (179.56 ft) of lot depth; and,
- o 0.2 ha (0.5 ac) of lot area.

Block "2"

- o 50 m (164. ft) of lot frontage on the proposed street;
- o 67.14 m to 97.14 m (220.28 ft to 318.7 ft) of lot depth; and,
- o 1.5 ha (3.7 ac) of lot area.

Block "3"

- o 80 m (262.47 ft) of lot frontage on Upper Wentworth Street
- o 139.77 m (458.56 ft) of lot depth
- o 1.12 ha (2.77 ac) of lot area

Block "4"

- o 80 m (262.47 ft) of lot frontage
- o 119.67 m (392.62 ft ) of lot depth
- o 0.97 ha (2.4 ac) of lot area

Block "5"

- o 42.59 m (139.73 ft) of lot frontage on Upper Wentworth Street
- o 130.77 m (429.04 ft) of lot frontage on Rymal Road East
- o 0.77 ha (1.9 ac) of lot area

LAND USE AND ZONING

	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
<u>SUBJECT LANDS</u>	barn, dwelling unit, vacant	"AA" (Agricultural) District



<u>SURROUNDING LANDS</u>	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
to the north	vacant	"RT-20" (Townhouse - Maisonette) District
to the south	single family dwelling	"AA" (Agricultural) District
to the east	two family dwelling	"AA" (Agricultural) District
to the west	single family dwellings	"AA" (Agricultural) District

#### OFFICIAL PLAN

The subject lands are designated "Residential" on Schedule "A".

The proposed residential blocks comply with the Official Plan.

Limited Commercial uses are permitted within residential designations provided they have less than 0.4 ha in size. The proposed commercial block (Block "5") is 0.7 ha and therefore a site specific redesignation from "Residential" to "Commercial" is required to permit the proposal.

#### NEIGHBOURHOOD PLAN

Block "1" is designated "Attached Housing" in the approved Barnstown. A redesignation to "Single and Double" Housing is required.

Block "2" is designated "Attached Housing" and "Medium Density Apartments." The proposal complies in part, a redesignation from "Medium Density Apartments" to "Attached Housing" is required.

Block "3" is designated both "Attached Housing" and "Medium Density Apartments". A redesignation to "Attached Housing" is required to permit the proposal.

Block "4" is designated "Medium Density Apartments". The proposal complies.

The commercial block (Block "5") is designated for "Medium Density Apartments" and "Attached Housing". The proposal does not comply with the Neighbourhood Plan.

### COMMENTS RECEIVED

- o The Traffic Department has advised that:

"...as a result of future channelization at the intersection of Rymal Road and Upper Wentworth, may be restricted".

- o The Hamilton Region Conservation Authority, Trans Canada Pipelines and Building Department have no comments or objections.

- o The Hamilton-Wentworth Engineering Department has advised that:

"...public watermains are available to service the subject lands. However, sanitary and storm sewers are not yet installed in this area. We anticipate the construction and installation in 1988 for Block 2 and 3. Block 1, which fronts on Rymal Road East, will be serviced with sanitary and storm sewers in future years.

The applicant should be advised that the future reconstruction and widening of Rymal Road and Upper Wentworth Street may include raised concrete median islands which may restrict access to the subject lands.

Road widenings, daylight triangle and servicing matters have been dealt with at the Land Severance stage. For your information, a copy of our comments are enclosed." (see attached letter)

### COMMENTS

1. The residential component complies with the Official Plan. However, if the commercial portion is approved, a site specific redesignation from "Residential" to "Commercial" is required to permit the proposal.
2. The proposal complies with the approved Barnstown Neighbourhood Plan, in part. The intent of the Plan has been maintained, however, adjustments to the "Attached Housing" and "Medium Density Apartments" are required to permit the uses as proposed in the amended application. If the proposed commercial block is approved, a redesignation from "Residential" to "Commercial" is required.
3. The commercial block as contained in the submitted application, should be denied for the following reasons:
  - a) there is an adequate supply of commercially zoned land for the surrounding area to serve the needs of the residents of the neighbourhood. In addition, the applicant has not justified a need for additional commercial land.
  - b) it does not comply with the Official Plan and the approved Barnstown Neighbourhood Plan.

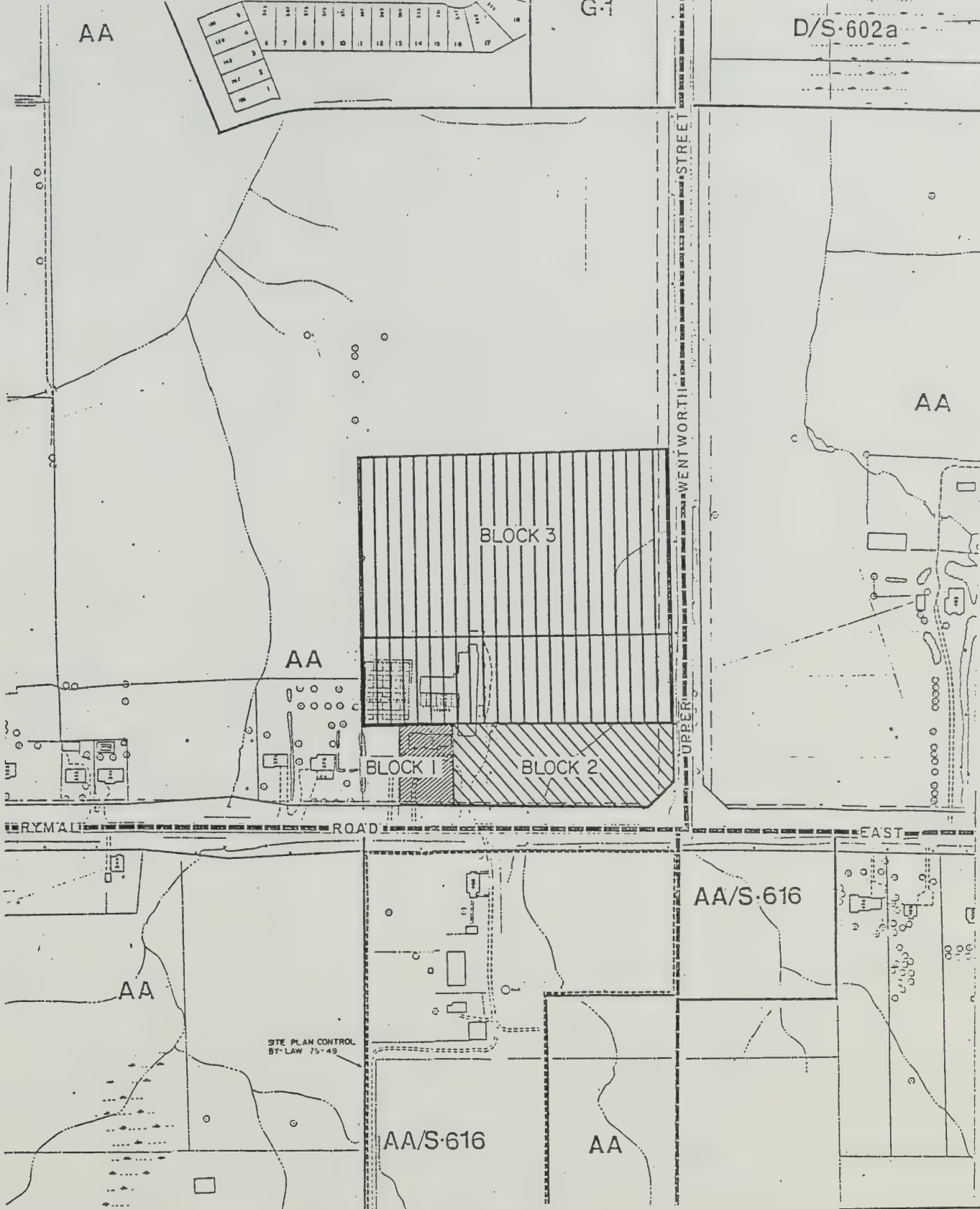
4. The amended application can be supported for the following reasons:
  - a) it is compatible with the existing and proposed residential development in the surrounding area;
  - b) the subject lands are situated on the periphery of the Barnstown Neighbourhood at the intersection of two arterial roads where higher density development is encouraged to locate.
  - c) the proposed townhouses and/or multiple dwelling development being situated along the arterial road will act as a transitional use between the arterial road and the single family dwelling development in the interior of the neighbourhood.
  - d) it complies with the intent of the Neighbourhood Plan and Official Plan.
5. The conditions of the Engineering Department have been satisfied at the Land Division stage.
6. Under the "RT-10", "RT-20" and "E-2" District regulations, the lands are subject to Site Plan Control By-laws 79-275 and 87-223. Matters such as parking, landscaping, access etc. will be reviewed during the site plan approval process.

#### CONCLUSION

Based on the foregoing, the amended application can be supported.




JH/ma

WP0144P



### LEGEND

PROPOSED CHANGE IN ZONING FROM "AA"(AGRICULTURAL) DISTRICT TO:

- BLOCK 1  "D"(URBAN PROTECTED RESIDENTIAL ONE AND TWO FAMILY DWELLINGS, TOWNHOUSES ETC.) DISTRICT.
- BLOCK 2  "G-1" (DESIGNED SHOPPING CENTRE) DISTRICT.
- BLOCK 3  "E-2"(MULTIPLE DWELLINGS) DISTRICT.



APPENDIX A







THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering  
71 Main Street West, Hamilton, Ont. L8N 3T4 (416) 526-4170

ID #0045D (31)

February 15, 1988

Refer to File No. E218-01  
Attention of T. L. Hearn  
Your File No.

TO: T. D. Amy, Land Division Committee  
FROM: K. A. Brenner, Engineering Department  
RE: Land Severance Applications for the  
February 16, 1988 Meeting

In reply to your recent letter concerning the above referenced applications, please note the following comments and recommendations:

H-16-88: Wentwal Developments Inc.

Please be advised that public watermain are available on Rymal Road to service the subject lands. Sanitary/storm sewers have not yet been installed in this area. We anticipate installation late in 1988.

The designated road allowance width of Rymal Road and Upper Wentworth Street is 36.58m (120 ft.) plus a 12.19 x 12.19m (40 x 40 ft.) daylight triangle. We recommend, as a condition of approval, that the following lands be dedicated to the Region:

- sufficient lands to establish the property line 18.29m (60 ft.) from the centreline of construction on Rymal Road adjacent to the lands to be retained.
- sufficient land to establish the property line 18.29m (60 ft.) from the centreline of the original Upper Wentworth Street road allowance adjacent to lands to be retained.
- sufficient lands to establish a 12.19m x 12.19m (40 x 40 ft.) daylight triangle at the widened angle of Rymal Road and Upper Wentworth Street adjacent to lands to be retained.

We recommend that the lands to be severed be subject to a Regional service agreement. For the applicant's information, we will recommend that the lands to be severed be subject to subdivision policies with respect to financial matters.

cc: M.A. Chidley, Regional Surveyor  
cc: N. Hostiuc, Planning Department

NOTE: Any and all lands adjacent to Regional Roads require the following:

- (a) any work within the road allowance(s) must conform to the respective Streets/Roads Use By-Laws;
- (b) any change or new access requires an Access Permit and all costs associated with the access construction is at the expense of the owner/applicant;
- (c) prior to the issuance of a Building Permit, a Building Setback Permit is required.

FOR ACTION

30.

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 May 20  
COMM FILE:  
DEPT. FILE: ZA-88-30  
Templemead  
Neighbourhood

SUBJECT:

Request for a change in zoning of lands adjacent to No. 1523 Upper Gage Avenue to permit a townhouse development in accordance with the "RT-20" District regulations.

RECOMMENDATIONS

(a) That approval be given to Zoning Application ZA-88-30, Stanley Kasprazak prospective owner, for a change in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse and Maisonette) District, for property being part of No. 1515 and No. 1523 Upper Gage Avenue as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the lands described as Block 1 be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse and Maisonette) District;
- ii) That the lands described as Block 2 be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse and Maisonette) District;
- iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on zoning District Map E-49D be notated S- ;
- iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49D.
- v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.



### EXPLANATORY NOTE

The purpose of the By-law is to provide for the following changes in zoning for the property located adjacent to No. 1523 Upper Gage Avenue, as shown on the attached map marked at APPENDIX "A":

- Block 1 - Change from "AA" (Agricultural) District to "RT-20" (Townhouse and Maisonette) District;
- Block 2 - Change from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse and Maisonette) District;

The effect of the By-law is to permit development of the subject lands for townhouse purposes.



V. J. Abraham, M.C.I.P.  
Director of Local Planning

### FINANCIAL IMPLICATIONS

N/A

### BACKGROUND

It is the applicant's intention to develop the subject lands in accordance with the approved Templemead Neighbourhood Plan for the purposes of establishing a condominium townhouse development.

### APPLICANT

Stanley Kasprazak, prospective owner.

### LOT SIZE AND AREA

- 16.96 m (55.64 ft) of lot frontage on Upper Gage Avenue;
- 116.79 m (383.16 ft) of lot depth and,
- 3894.98 m<sup>2</sup> (41,926.59 sq. ft.) of lot area (approximate)

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>SUBJECT LANDS</u>	vacant	"C" (Urban Protected Residential, etc.) and "AA" (Agricultural) District
<u>SURROUNDING LAND USE</u>		
to the north	a single family dwelling and vacant lands	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District, but recently rezoned to "RT-30" (Street Townhouse) District (By-law subject to appeal period).
to the south	single family dwellings	"C" (Urban Protected Residential, etc.) District
to the east	vacant lands and single family dwellings	"D" (Urban Protected Residential. One and Two Family Dwellings, townhouses, etc.) District, modified, and "C" (Urban Protected Residential, etc.) District
to the west	single family dwellings	"L-c" (Planned Development Commercial District, but part recently rezoned to "G" (Neighbourhood Shopping Centre, etc.) District (By-law subject to appeal period).

Official Plan

Designated "Residential", the proposal complies.

Neighbourhood Plan

Designated for "Attached Housing" purposes on the approved Templemead Neighbourhood Plan, the proposal complies.

### COMMENTS RECEIVED

- o The Building Department has advised that:

"A successful application from the Land Division Committee for the parcel of land indicated as (1) on the survey plan dated February 15, 1988 by A. J. Clarke and Associates is required. Please note the applications for severance should include (1) being severed from part 5 of the noted survey and added to (2). This is necessary so the lands have a minimum frontage on a public highway for future development.

The lands containing the existing single family dwelling to remain in a "C" zoning district would also require a successful application from the Land Division Committee and shall meet all the requirements of the "C" district provisions."

- o The Hamilton Region Conservation Authority, The Local Architectural Conservation Advisory Committee Staff have no comments or objections

- o The Traffic Department has advised that:

"We have reviewed the above-noted application and find it satisfactory. The applicant should also be advised that if possible these properties should be developed jointly with those to the north. This would provide all directional access to this development through the future signalized collector connection with Upper Gage Avenue".

- o The Hamilton-Wentworth Engineering Department

### COMMENTS

1. The proposal complies with the Official Plan.
2. The proposal complies with the approved Templemead Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
  - o It is compatible with the street townhouse development recently approved for adjoining lands to the north, and with single family development to the south and east.
  - o It is situated on a major arterial road within close proximity to the future intersection with the Neighbourhood entrance road, where such uses are normally grouped.

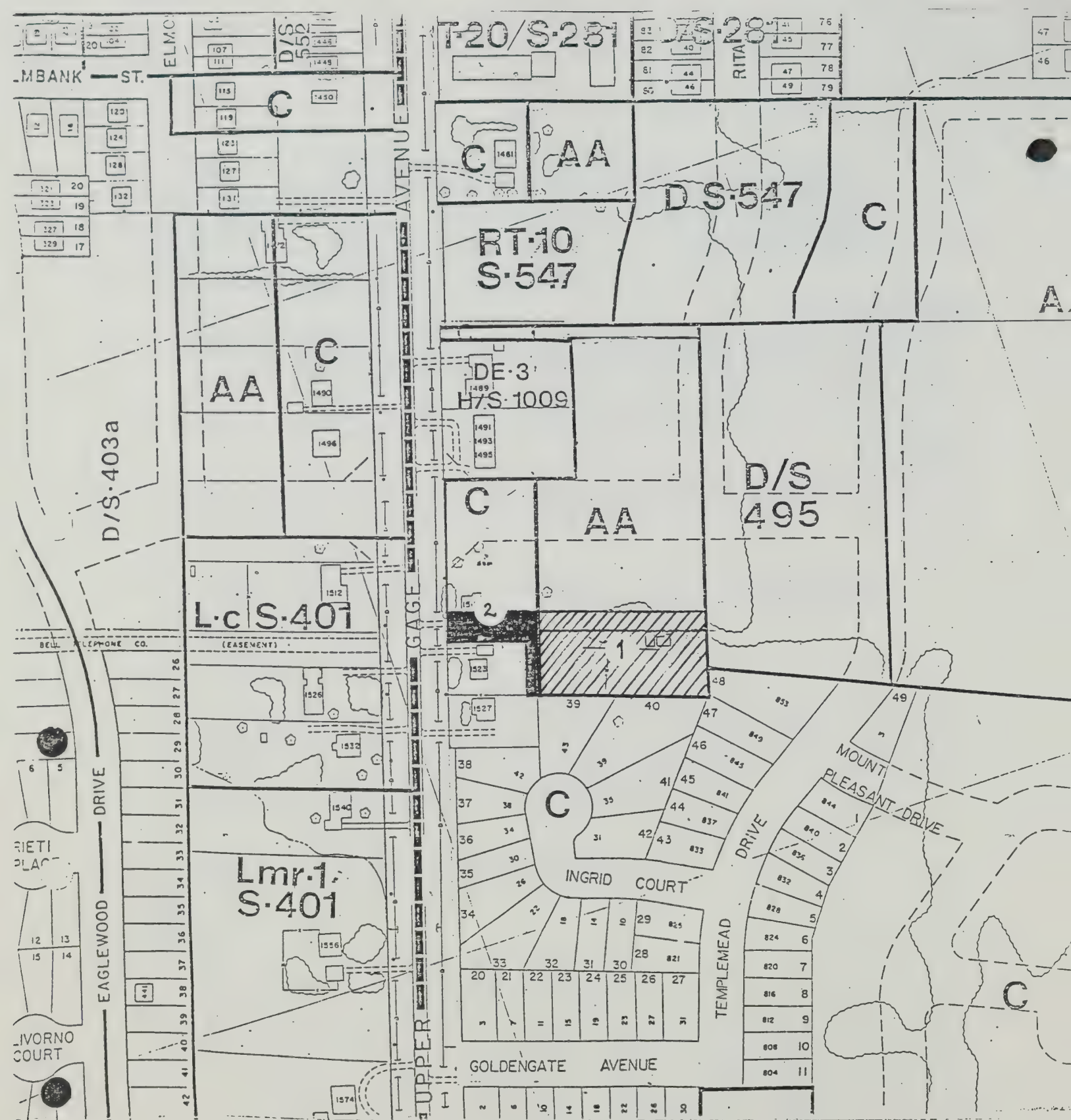
4. Development of the subject lands for townhouses under the "RT-20" zoning is subject to the provisions of Site Plan Control By-law 79-275 as amended by By-Law 87-223. In this regard, matters related to landscaping, grading, access, site layout, parking, fencing, etc. can be further regulated at the site plan control stage of the development.

#### CONCLUSION

On the basis of the foregoing, the application can be supported.

GAW/ma/CS  
0217P

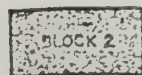




# LEGEND



CHANGE IN ZONING FROM "AA" (AGRICULTURAL) DISTRICT TO "RT-20" (TOWNHOUSE-MAISONNETTE) DISTRICT,



CHANGE IN ZONING FROM "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT TO "RT-20" (TOWNHOUSE-MAISONNETTE) DISTRICT,

↑  
ZA 88-30

F O R   A C T I O N

31.

REPORT TO:      SUSAN REEDER, SECRETARY  
                         PLANNING AND DEVELOPMENT COMMITTEE

FROM:            J. D. THOMS, COMMISSIONER  
                         PLANNING AND DEVELOPMENT DEPARTMENT

DATE:    1988 June 1/  
COMM FILE:  
DEPT. FILE: ZA-88-33

SUBJECT:

Request for a change in zoning for the property located at No. 739 Stone Church Road West

RECOMMENDATION

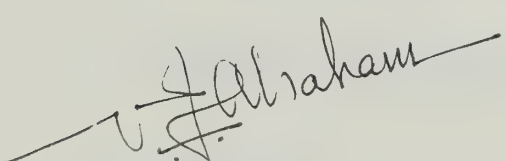
That approval be given to Zoning Application ZA-88-33, F. and C. Cimino, owners requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc) District, to permit the development of a vacant lot for a single family dwelling, for the property located at No. 739 Stone Church Road West, as shown on the attached map marked as APPENDIX "A", on the following basis

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential etc.) District.
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-37c;
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of this By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential etc) District, for the property located at No. 739 Stone Church Road West as shown on the attached map.

The effect of the By-law is to permit the development of the vacant lot for a single family dwelling.

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

  
J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

## FINANCIAL IMPLICATIONS

N/A

## BACKGROUND

The applicant applied to and was granted approval from the Land Division Committee to sever his lot in 2 to permit construction of a single family dwelling on the vacant site.

Final approval of the severance is pending the successful rezoning of his lands.

## APPLICANTS

Filippo and Calogera Cimino, owners.

## LOT SIZE AND AREA

- o 30.48 m (100 feet) of lot frontage;
- o 63.4 m (208 feet) of lot depth; and
- o 1932.32 m<sup>2</sup> (20,800 sq.ft.) of lot area

## LAND USE AND ZONING

	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
<u>SUBJECT LANDS</u>	Single family dwelling, vacant	"AA" (Agricultural) District
<u>SURROUNDING LANDS</u>		
to the north, south and east	single family dwellings	"C" (Urban Protected Residential, etc.) District
to the west	single family dwellings	"AA" (Agricultural) District

## OFFICIAL PLAN

The subject lands are designated "Residential" on Schedule "A". The proposal complies.

## NEIGHBOURHOOD PLAN

The subject lands are designated "Single and Double" Housing in the approved Falkirk West Neighbourhood Plan. The proposal complies.



### COMMENTS RECEIVED

- o The Hamilton Region Conservation Authority, Traffic Department and Building Department have no comments or objections.
- o The Hamilton-Wentworth Engineering Department has advised that:  
"public watermains as well as separate storm and sanitary sewers are available to service the subject lands.

The designated road allowance width of Stone Church Road is 30.48 m (100 ft.). In conjunction with this application, the applicant has also submitted Land Severance Application H-9-88. As a condition of severance approval, we recommend that sufficient lands be dedicated to the Region to establish the property line 15.24 m from the centre line of the original road allowance.

For the information of the applicant,

- any work within the Stone Church Road road allowance, as widened, must conform to the Region's Roads Use By-law;
- the owner/applicant will likely require another access installed and this may include the installation of driveway culverts. The size and length of the culvert pipe will be determined by the City's Public Works Department.

We recommend that the elevation of the driveway at the property line, as widened be approximately the same elevation as the corresponding centre line of the road allowance to ensure that the new driveway elevation will be compatible when this section of Stone Church is widened."

### COMMENTS

1. The proposal complies with the Official Plan and the approved Falkirk West Neighbourhood Plan.
2. The proposal can be supported for the following reasons:
  - a) it is compatible with the surrounding single family dwellings
  - b) it complies with the intent of both the Official and Neighbourhood Plans.
3. The conditions as set out by the Engineering Department will be satisfied during the severance process.

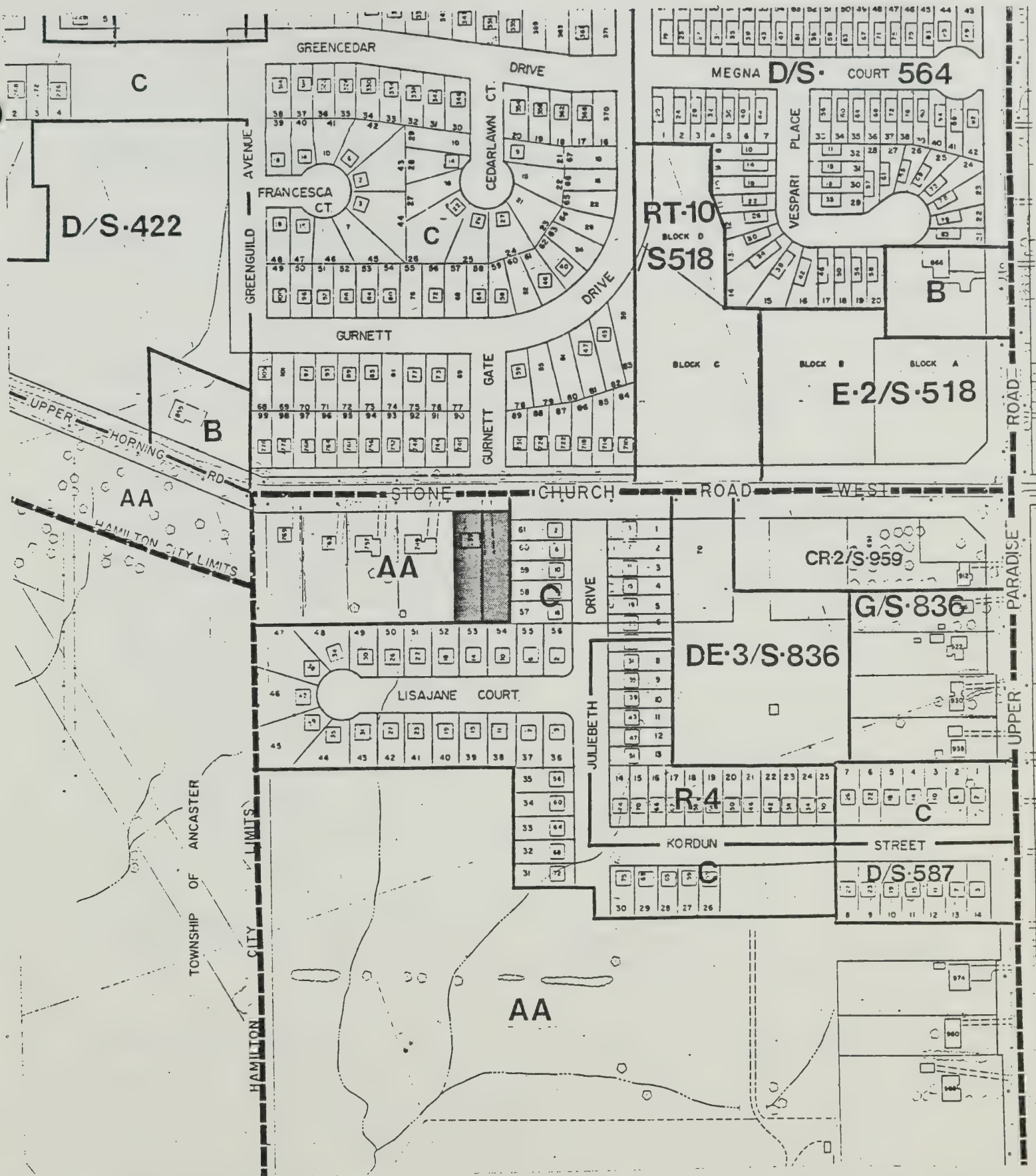
### CONCLUSION

Based on the foregoing the proposal can be supported.

JH/ma



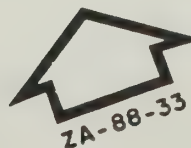




# **LEGEND**



**SITE OF THE APPLICATION**



**APPENDIX A**



FOR ACTION

32.

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 June 15

COMM FILE:

DEPT. FILE: ZA-88-36

Mewburn  
Neighbourhood

SUBJECT:

Request for a change in zoning - lands surrounding No. 1073 West Fifth Street

RECOMMENDATION

That Zoning Application ZA-88-36, Emelio Mascia and Mary Finochio, owners, requesting a change in zoning from the "AA" (Agricultural) District to the "E" (Multiple Dwellings, lodges, Clubs, etc.) District, to permit multiple family development on property surrounding No. 1073 West Fifth Street, as shown on the attached map marked as APPENDIX "A", be denied for the following reasons:

1. The proposed multiple family development conflicts with the intent of the approved Mewburn Neighbourhood Plan which designates the subject lands for "Single and Double Residential" use.
2. It would set a precedent for future similar applications.
3. It would be incompatible with existing and future intended uses in the surrounding area.

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

  
J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A



## BACKGROUND

- Proposal

Request for a change in zoning from the "AA" (Agricultural) District to "E" (Multiple Dwellings, lodges, Clubs, etc.) District to permit multiple family development (apartments).

- By-law No. 82-141 (ZA-82-14)

City Council passed By-law No. 82-141 on June 29, 1982. The purpose of the By-law was to provide for a change in zoning from "AA" (Agricultural) District to "B" (Suburban Agricultural and Residential etc.) District for property located at No. 1073 West 5th Street.

The effect of the By-law was to permit a severance of land at No. 1073 West 5th Street on which a "heritage" building is located, from the subject lands.

- ZA-87-48

At its meeting of February 9, 1988 City Council approved Item 9 of the 3rd Report for 1988 of the Planning and Development Committee respecting ZA-87-48 (Bayfield Green). In this regard, Block "1" of ZA-87-48 (see APPENDIX "B") adjoins the subject lands and is to be rezoned from the "AA" (Agricultural) District to the "C" - 'H' (Urban Protected Residential, etc.) District. In addition, the lands are to be subject to "holding provisions" (i.e. 'H' suffix) which prohibits development until municipal sewers are installed.

It should be noted, that the approved changes in zoning for ZA-87-48 are subject to the condition that the applicant receives Site Plan Approval, before the By-law is forwarded to Council for adoption.

## APPLICANT

Emelio Mascia and Mary Finocchio, owners

## LOT SIZE AND AREA

The subject property is irregularly shaped having a broken frontage of 246 m (807.35 feet) along West 5th Street, and a lot area of approximately 3.86 ha (9.54 ac).

## LAND USE AND ZONING

<u>SUBJECT LANDS</u>	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
	Vacant	"AA" (Agricultural) District
<u>SURROUNDING LANDS</u>		
to the north	Large lot single-family dwellings and a church	"AA" (Agricultural) District
to the east	Vacant	"AA" (Agricultural) District
to the south	Agricultural	"AA" (Agricultural) District
to the west	Agricultural and Residential	"AA" (Agricultural) District

## OFFICIAL PLAN AND NEIGHBOURHOOD PLAN

The subject lands are primarily designated "RESIDENTIAL", and the south-eastern corner of the property is designated "MAJOR INSTITUTIONAL" in the Official Plan. Accordingly, the following policies, among others, shall apply:

- "A.2.1.1     The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8     It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of having where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.
- A-2.6.5     Notwithstanding the policies set out above, in areas designated MAJOR INSTITUTIONAL USES, Residential uses may be permitted provided they are compatible with the surrounding area.
- D.2-2     The detailed planning for the distribution and location of various land uses in each PLANNING UNIT will be determined or reviewed through the preparation of NEIGHBOURHOOD PLANS. In this regard, Council will ensure that all new development and/or redevelopment complies with the provisions of the Plan and the NEIGHBOURHOOD PLAN..."

The subject lands are designated "Single and Double Residential" in the approved Mewburn (East) Neighbourhood Plan. In this regard, the proposal would not conflict with the intent of the Official Plan, provided the Neighbourhood Plan is amended to redesignate the lands as "Medium Density Apartments".

#### COMMENTS RECEIVED

- The following agencies have no comment or objection:

- The Hamilton Region Conservation Authority; and
- The Building Department

- The Traffic Department has advised as follows:

"The approved neighbourhood plan for this area designates the subject lands for single and double residential. However, the approved plan only deals with the area east of West 5th Street and the future status of West 5th Street has not been finalized. Therefore, we recommend that the application be tabled until such time as the neighbourhood plan for the remainder of Mewburn Neighbourhood is finalized."

- The Hamilton-Wentworth Department of Engineering has advised as follows:

"...a watermain is available to service the subject lands. Sanitary sewers are not available in the area at this time.

As a condition of approval, we recommend that the application be subject to a plan of subdivision, with our detailed comments forthcoming at such time. At that time, it will be determined if additional widening is required on West 5th Street to service this development.

For the applicant's information, we have the following comments with respect to the current application:

In accordance with Regional Council policy, the designated road allowance width of West 5th Street is 30.48 m (100 feet), with widenings only at Stone Church Road for signalization and channelization purposes. Therefore, we do not anticipate any further road allowance widenings adjacent to the subject lands at this time.

Any work within the West 5th Street road allowance must conform to the respective Streets By-law.

At such time as detailed site plans are submitted for our review, we will specify the locations of the access to the subject lands and any roadway improvements required.

According to the approved Mewburn Neighbourhood Plan, the subject lands are designated for single and double family housing and internal neighbourhood streets. Therefore, if consideration is given to approving this application, then the appropriate changes will have to be made to the Neighbourhood Plan."

- LACAC has advised as follows:

"1073 West Fifth Street is a designated historic property with a lot of 100 feet x 200 feet. It is a free-standing rural stone house (manse) from the 1850's.

Single family housing was the accepted proposal when this property was divided off. High-rise condominium would be a far less compatible neighbour."

#### COMMENTS

1. The proposal would not conflict with the intent of the Official Plan, provided the Neighbourhood Plan is amended to redesignate the subject lands from "Single and Double Residential" to "Medium Density Apartments".
2. The proposal cannot be supported for the following reasons:
  - it conflicts with the intent of the approved Neighbourhood Plan which designates the subject lands for "Single and Double Residential" uses;
  - it would set a precedent for future similar applications; and
  - it would be incompatible with existing and future intended uses in the surrounding area.

In this regard, it should be noted that on the basis of Neighbourhood Design factors the proposal would yield a total of approximately 382 units (9.54 ac x 40 units average per gross acre), whereas the approved plan would yield about 69 units (9.54 ac x 7.25 units average per gross acre).

#### CONCLUSION

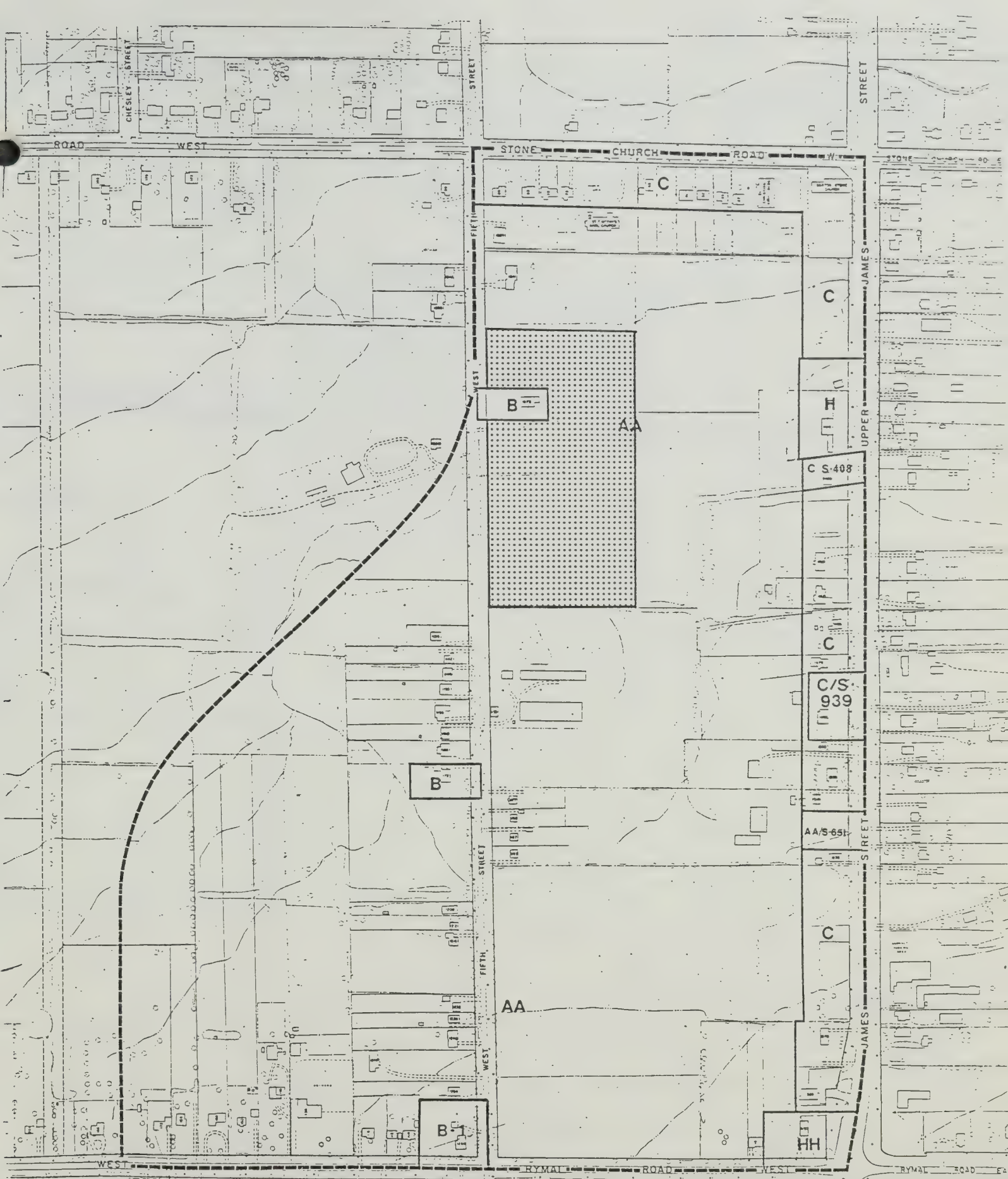
On the basis of the foregoing, the application cannot be supported.

PDM/ma

WP0096P



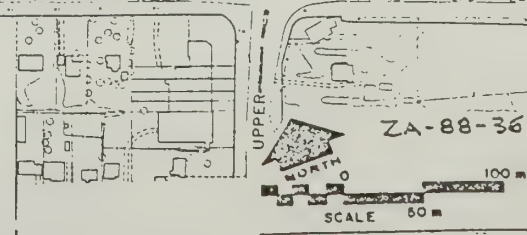




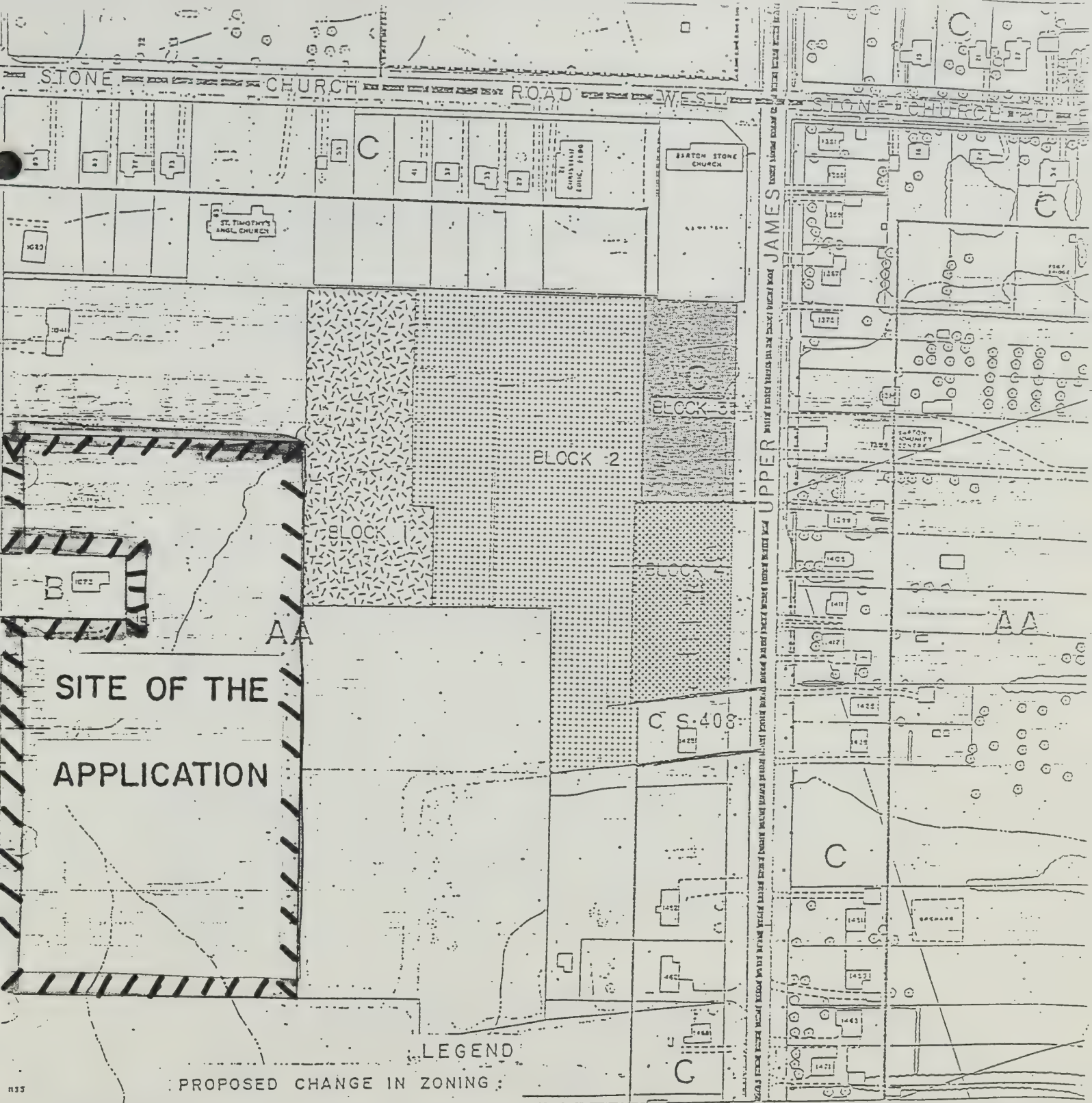
# LEGEND



SITE OF THE APPLICATION







- Block 1 FROM "AA" (AGRICULTURAL) DISTRICT TO "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT.
- Block 2 FROM "AA" (AGRICULTURAL) DISTRICT TO "HH" (RESTRICTED COMMUNITY SHOPPING AND COMMERCIAL) DISTRICT, MODIFIED.
- Block 3 FROM "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT TO "HH" (RESTRICTED COMMUNITY SHOPPING AND COMMERCIAL) DISTRICT, MODIFIED.
- Block 4 FROM "H" (COMMUNITY SHOPPING AND COMMERCIAL, ETC.) TO "HH" (RESTRICTED COMMUNITY SHOPPING AND COMMERCIAL) DISTRICT, MODIFIED.

ZA 87-48

APPENDIX B





FOR ACTION

33.

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 July 7  
COMM FILE:  
DEPT. FILE: ZA-88-40

SUBJECT:

Request for changes in zoning for the property located at Nos. 1379-1383 Upper James Street

RECOMMENDATION

(a) That approval be given to Official Plan Amendment No. to redesignate the rear portion of the lands municipally known as Nos. 1375 to 1417 Upper James Street (inclusive) from "Residential" and "Open Space" to "Commercial" and to extend Special Policy Areas 31 and 31b to correspond with the "Commercial" designation and the City Solicitor be directed to prepare a By-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth.

(b) That approval be given to Zoning Application ZA-88-40, J. and A. Riccio Developments Ltd. owner requesting changes in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, modified, to permit the development of the subject lands for a proposed 1 storey 2787 m<sup>2</sup> (30,000 sq.ft.) plaza containing retail and warehouse commercial uses, for the properties located at Nos. 1379-1383 Upper James Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the amending By-law apply the holding provisions of Section 35(1) of the Planning Act R.S.O. 1983 to the subject lands, by introducing the holding symbol "H" as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until municipal sewers are installed.

Removal of the holding restriction shall be conditional upon the installation of municipal sewers serving the subject lands and passage of an amending By-law. City Council may remove the 'H' symbol, and thereby give effect to the "C" and "HH" provisions as stipulated in this By-law by enactment of an amending By-law once municipal sewers have been installed.

- ii) That Block "1" be rezoned from "AA" (Agricultural) District to "HH" - 'H' (Restricted Community Shopping and Commercial) District.

- iii) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" - 'H' (Restricted Community Shopping and Commercial) District.
- iv) That the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations as contained in Section 14A of Zoning By-law No. 6593 be modified to include the following variance as a special requirement:
  - a) That notwithstanding Section 14A(1)(C) and Section 14(1)(xvii), the storage of goods to be manufactured, assembled or sold may occupy a maximum of 50% of the floor area.
- v) That a 3.0 m wide landscaped strip and a visual barrier between 1.2 m and 2.0 m in height shall be provided along the easterly lot line.
- vi) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map be notated S- ;
- vii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9C;
- viii) That the proposed changes in zoning will be in conformity with the Official Plan Amendment No. is approved by the Regional Municipality of Hamilton-Wentworth.

#### EXPLANATORY NOTE

The purpose of this By-law is to provide for changes in zoning for the properties located at Nos. 1379-1383 Upper James Street on the following basis:

- |           |   |
|-----------|---|
| Block "1" | Change in zoning from "AA" (Agricultural) District to "HH" - 'H' (Restricted Community Shopping and Commercial) District, modified.                           |
| Block "2" | Change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" - 'H' (Restricted Community Shopping and Commercial, etc.) District, modified. |

as shown on the attached map marked as APPENDIX "A". The amending By-law applies to the holding provisions (as denoted by the 'H' suffix) of Section 35(1) of the Planning Act to the subject lands. This provision will prohibit the development of the lands until municipal sewers are installed. Once the sewers are available, City Council may remove the 'H' symbol by passing the amending By-law.

The effect of this By-law is to permit the development of the subject lands for a proposed retail plaza having a gross floor area of approximately 2787 m<sup>2</sup> (30,000 sq.ft.) and containing retail and warehouse commercial uses.

In addition, the By-law provides for the following variance and special requirement:

- o permits storage of goods and occupy a maximum of 50% of the floor area which may be used for storage purposes whereas 25% is currently permitted; and,
- o requires a 3.0 m wide landscaped strip and a visual barrier between 1.2 and 2.0 m in height to be provided along the easterly lot line

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

FINANCIAL IMPLICATIONS

N/A

APPLICANT

J and A. Riccio Developments Ltd., owner.

LOT SIZE AND AREA

- o 36.2 m (118.8 ft) of lot frontage
- o 177.06 m (580.92 ft) of lot depth; and
- o 0.64 ha (1.583 ac) of lot area

LAND USE AND ZONING

	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
<u>SUBJECT LANDS</u>	Single family dwelling, vacant	"AA" (Agricultural) District  "C" (Urban Protected Residential, etc.) District
<u>SURROUNDING LANDS</u>	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
to the north	Single family dwellings	"AA" (Agricultural) District  "C" (Urban Protected Residential) District



<u>SURROUNDING LANDS</u>	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
to the south	Community center	"AA" (Agricultural) District  "C" (Urban Protected Residential, etc.) District
to the east	Vacant	"AA" (Agricultural) District
to the west	Restaurant, vacant	"C" (Urban Protected Residential, etc.) District

#### OFFICIAL PLAN

The subject lands are designated both "Residential" and "Commercial" on Schedule "A".

In addition, the subject lands are located within Special Policy Area 31b which encourages the location of retail/warehouse uses in this area.

The proposed development complies with the "Commercial" portion. However, a redesignation of the rear part of the lands from "Residential" to "Commercial" is required to permit the proposal. In addition, Special Policy Areas 31 and 31b are required to be extended to correspond with the "Commercial" designation.

The proposed Official Plan Amendment includes the subject lands as well as additional lands to both the north and south. These lands in their entirety have been designated for "Commercial and Retail/Warehouse" uses in the approved Ryckmans Neighbourhood Plan but they are designated "Residential" or "Open Space" in the Official Plan. Therefore, an OPA is required to bring these documents into conformity with each other. The amendment will include:

- o a redesignation from "Residential" and "Open Space" to "Commercial"; and
- o an extension of Special Policy Areas #31 and #31b to correspond with the "Commercial" designation

#### NEIGHBOURHOOD PLAN

The subject lands are designated "Commercial and Retail Warehouse" in the approved Ryckmans Neighbourhood Plan. The proposal complies.

## URBAN DESIGN GUIDELINES FOR UPPER JAMES FRONTAGE

The subject lands are located within the area subject to the Urban Design Guidelines which include the following:

- i) a minimum lot depth 97.5 m (325 ft).
- ii) a minimum lot frontage of 30 m (100 ft).
- iii) a 3 m (10 ft) landscaped strip along the rear and front lot lines.
- iv) a maximum building height of 8 storeys.
- v) rear and front service roads 21 m (70 ft) in width which would permit 2 rows of cars and a through lane for traffic.

## COMMENTS RECEIVED

- o The Hamilton Region Conservation Authority, Traffic Department and the Building Department have no objections.
- o The Hamilton-Wentworth Engineering Department has advised that:  
"...public watermains are available. Sanitary and storm sewers are not available to service the subject lands as yet. We anticipate installation in 1989.

The designated road allowance width of Upper James Street is 36.58 m (120 ft). As a condition of approval we recommend that sufficient lands be dedicated to the Region to establish the property line 18.29 m (60 ft) from the centre line of the original Upper James Street road allowance.

Any work within the Upper James Street road allowance must conform to the Region's Roads Use By-law.

The applicant should be advised that the future reconstruction and widening of Upper James Street may include the construction of raised concrete median islands which may restrict access to the subject lands.

We also advise that any roadway improvements resulting from this development will be at the expense of the owner applicant. Further details will be specified at such time as site plans are submitted for our review and comments. The applicant may wish to contact the City's Traffic Department to determine the access points prior to the preparation of the detailed site plans.

We recommend that the subject lands and the lands immediately to the north be developed in conjunction with each other to reduce the number of access points.

## COMMENTS

1. The Hamilton-Wentworth Engineering Department has advised that the subject lands are not fully serviced at this time. It is expected that sewers will be installed during the latter part of 1989. In this regard, it is suggested that if the application is approved, it be subject to Section 35(1) of The Planning Act R.S.O. 1983, whereby Council may, in a By-law use a holding symbol "H" in conjunction with any zoning district. The holding symbol specifies the use to which lands, buildings or structure may be put at such time in the future when the holding symbol is removed to amendment to the By-law.
2. The proposal complies with the Official Plan in part. The rear portion of the subject lands requires a redesignation from "Residential" to "Commercial" and the extension of Special Policy Areas #31 and #31b to correspond with the "Commercial" designation.

The proposed Official Plan Amendment includes the subject lands as well as additional lands to both the north and south. These lands have been designated for "Commercial Retail/Warehouse" uses in the Ryckmans Neighbourhood Plan but "Residential" or "Open Space" in the Official Plan. An OPA is required to bring these two documents into conformity with each other.

3. The proposal complies with the approved Ryckmans Neighbourhood Plan.
4. The lands are subject to the Urban Design Guidelines along Upper James Street.
5. The proposal can be supported for the following reasons.
  - a) it is compatible with the proposed land uses including commercial to the north, south and west.
  - b) it is located on a major arterial road (Upper James Street).
  - c) it complies with the intent of the Ryckmans Neighbourhood Plan.
6. Approval of the application would require the following variance and special requirement:

o Storage

Under the "HH" District regulations a maximum of 25% of floor area may be used for storage purposes. Since this area is designated for retail and warehouse type uses, it is appropriate to increase the floor area storage to a maximum of 50%. On this basis, the increased storage capacity can be supported.

o Landscaping Requirements

The Ryckmans Neighbourhood Plan, in accordance with the Upper James Street Urban Design guidelines, requires that a 3.0 m (10 ft) planting strip be provided along both the rear and front lot lines. To ensure that adequate buffering is provided between the open space (Park) and commercial uses, it is appropriate to require a landscaped strip and a visual barrier between 1.2 m and 2.0 m in height along the easterly lot line.

7. Under the "HH" District regulations, the lands are subject to Site Plan Control By-laws 79-275 and 87-233. Matters such as parking, grading, road widening, landscaping etc., will be reviewed during the site plan approval process.

#### CONCLUSION

Based on the foregoing, the proposal can be supported.

JH/ma









Wednesday, 1988 June 8  
1:30 o'clock p.m.  
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman  
Alderman D. Ross, Vice-Chairman  
Mayor Robert M. Morrow  
Alderman T. Cooke  
Alderman D. Christopherson  
Alderman W. McCulloch  
Alderman D. Agostino  
Alderman B. Hinkley

Regrets: Alderman H. Merling - Regional Business

Also present: Alderman T. Murray  
Alderman R. Wheeler  
Alderman M. Kiss  
Alderman G. Coppe  
Mr. L. Sage, Chief Administrative Officer  
Mr. K. Rouff, City Solicitor  
Mr. B. Loreto, City Solicitor's Office  
Mr. V. Abraham, Director of Local Planning  
Mr. J. Zipay, Planning Department  
Mr. P. Lampman, Building Department  
Mr. P. Mallard, Planning Department  
Mr. A. Georgieff, Planning Department  
Ms. C. Floroff, Planning Department  
Mr. J. Pavelka, Director of Public Works  
Mr. D. Godley, Planning Department  
Mr. K. Lapins, Regional Engineering  
Mr. M. Sabelli, Planning Department  
Ms. E. Toews, Planning Department  
Mr. V. Matus, Planning Department  
Mr. B. Allick, Building Department  
Ms. L. Lawrence, City Solicitor's Office  
Mrs. V. Grupe, Planning Department  
Mr. M. Watson, Real Estate Division  
Mr. P. Hooker, City Solicitor's Office  
Mr. J. Ford, Health Unit  
Mr. J. Sakala, Planning Department  
Mr. R. Karl, Traffic Department  
Mrs. Susan K. Reeder, Secretary

Moved by Alderman McCulloch, seconded by Alderman Ross and carried that the meeting move IN CAMERA to discuss several matters of a private and confidential nature.

IN CAMERA.

Following this IN CAMERA discussion the Committee then moved into the regular session and it was moved by Alderman Ross, seconded by Alderman McCulloch and carried to APPROVE the following:

Zoning matters -  
Hamilton Harbour -  
O.M.B. Hearing.

That the City Solicitor be directed to take the necessary steps to proceed with an Ontario Municipal Board Hearing with respect to zoning matters pertaining to the Hamilton Harbour.

The Committee was in receipt of the minutes of their meeting held Tuesday, 1988 May 10th and Wednesday, 1988 May 11th. Alderman Cooke indicated that he was not listed as in attendance at the May 10th meeting although he was there. The Committee agreed that this amendment should be made and the above-noted minutes were then APPROVED.

Minutes -  
1988 May 10  
1988 May 11



High Density  
Residential  
Development Study.

The Committee was in receipt of a report from the High Density Residential Development Advisory Committee dated 1988 June 1 respecting their recommendations. The Committee was also in receipt of a report from the Commissioner of Planning and Development dated 1988 June 1 respecting the study.

Mr. Rob Diamond, A. J. Diamond, Consultant made a presentation to the Committee on this matter.

Mr. D. Godley of the Planning Department outlined the objectives of the study and advised the Committee of the study members who served on the Committee. Mr. Godley then outlined the aspects of the report of the High Density Residential Development Advisory Committee as well as the staff comments on this report.

The Committee was in receipt of a submission dated 1988 June 8th from Reverend Charles H. Forsyth, member of CAPIC and Minister of First Pilgrim Church.

General discussion ensued on the recommendations of the Advisory Committee and the comments of staff. Some confusion ensued on the two reports and it was moved by Alderman Christopherson, seconded by Alderman Ross and carried that this report be referred to the Planning and Development Department in order that it can be "cleaned-up" and brought back to the Committee in a fashion which would clearly outline the conclusions recommended by staff (i.e. Section 2(b) of the Agenda which refers to the staff comments on the Advisory Committee's recommendations).

Proposed Plan  
of the Kernighan  
Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 May 31 respecting the Proposed Plan of the Kernighan Neighbourhood.

Mr. D. Godley of the Planning Department outlined this Plan to the Committee.

Mr. Don Jeffrey, a representative of the Social Planning and Research Council appeared before the Committee. He advocated a strong need for affordable housing and indicated that the proposed rezoning of areas in the Kernighan Neighbourhood for townhousing will allow for affordable housing and that low and moderate income families need this type of development.

Mr. Jeffrey advocated the importance of integrated neighbourhoods to allow all families of varying incomes to choose the location of the City they wish to live in. Mr. Jeffrey supports the Plan and Policies along with the two zoning applications for the Kernighan Neighbourhood and encourages the City to work with the Social Planning and Research Council to ensure that affordable housing projects are being built in the City.

Mr. Marcel Mongeon, Dyzak Enterprises spoke to the Committee. He indicated that he sees a need for affordable housing and supports the Plan.

Mr. Spencer, of Stone Church Road spoke to the Committee and indicated that he is opposed to the Townhousing applications.

Mr. Baker, 898 West 5th Street spoke in opposition to the townhousing applications and added that he feels that the City is not responsible for the high cost of housing.

The owner of property at 922 West 5th Street spoke to the Committee in opposition to townhousing.

Mr. Wasserman, 229 King Street East spoke to the Committee as the applicant for property on the north-east corner of Stone Church Road West and West 5th Street. He disagrees that townhousing affects the value of single family homes and sees a need for this type of affordable housing. Mr. Wasserman also added that putting single family homes on this property would mean 10 to 12 driveways pulling onto the main highway unlike one main access of a townhouse development.

Following considerable discussion on this matter by the Committee, it was moved by Alderman Christopherson, seconded by Alderman Agostino and carried to APPROVE the following:

That the Proposed Plan for the Kernighan Neighbourhood, attached hereto as APPENDIX "A" and the Draft Policies for the Kernighan Neighbourhood Plan, attached hereto as APPENDIX "B" BE APPROVED.

Recorded vote:

Yeas: Smith, McCulloch, Cooke, Christopherson, Hinkley, Agostino

Nays: Ross

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 May 20th respecting Zoning Application 88-14 for property on the north-east corner of West 5th Street and Stone Church Road West.

Zoning Application  
88-14 - north-east  
corner of West 5th  
Street and Stone  
Church Road West.

The Committee APPROVED the following:

That APPROVAL be given to Zoning Application 88-14, Marvin J. Wasserman, owner, for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse and Maisonette) District, for property located at the north-east corner of West 5th Street and Stone Church Road West, as shown on the attached map marked as APPENDIX "C", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse and Maisonette) District;
- (b) That the City Solicitor be directed to prepare a By-Law to amend Zoning By-law No. 6593 and Zoning District Map W-9C;
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse and Maisonette) District for property located at the north-east corner of West 5th Street and Stone Church Road West.

The effect of the By-law is to permit development of the subject lands for the purpose of permitting townhouse dwellings.

Recorded vote:

Yeas: Smith, McCulloch, Cooke, Christopherson, Hinkley, Agostino

Nays: Ross

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 May 25 respecting Zoning Application 88-38 for property at 945 West 5th Street.

Zoning Application  
88-38 - 945 West  
5th Street.

The Committee was in receipt of a letter in opposition to this application for townhousing from Mr. Doug Arnold, 925 West 5th Street.

The Committee APPROVED the following:

- (a) That Zoning Application 88-38, Vincent Citino, owner, requesting a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District (Block "2"), to permit the development of the subject lands for townhouses, for the lands located at No. 945 West 5th Street, as shown on the attached map marked as APPENDIX "D" **BE DENIED** as submitted for the following reasons:

- (i) It conflicts with the proposed Kernighan Neighbourhood Plan which designates the lands for single and double housing. In addition, the subject lands are located within the proposed local road.
- (ii) There is sufficient land (2.1 ha. on the northeast corner of Stone Church Road East and West Fifth Street) designated for townhouses in the proposed draft plan.

- (b) That APPROVAL be given to an amended Zoning Application for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, (Blocks "1" and "2") to permit the development of the subject lands for future single family dwellings, for the lands located at No. 945 West 5th Street, as shown on the attached map marked as APPENDIX "D", on the following basis:

- (i) That Blocks "1" and "2" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.
- (ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9C; and,
- (iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Area.

**NOTE:** The purpose of this by-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for the lands located at No. 945 West 5th Street.

The effect of the by-law is to permit the development of the subject lands for single family dwellings.

Day Nurseries -  
Policies and  
Controls.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 May 2 respecting Day Nurseries - Policies and Controls.

Mr. D. Godley of the Planning Department spoke to the Committee on this report.

Mrs. Stella Curtis, 167 Laurier Avenue spoke to the Committee. She requested clarification on the rules for as-of-right zoning and changes to increased Day Care numbers.

Mrs. McPherson, West Mount Children's Centre, 689 West 5th Street spoke on the recommendations which limit the number of children in a Day Care.

Mrs. Ann Weisz, 103 Laurier Avenue spoke to the Committee and expressed concerns at the inadequate parking in area Day Cares.



The Committee was in receipt of an addendum submitted to the Committee from the Planning and Development Department dated 1988 May 25. This addendum was provided to the Committee as additional information since the Day Nurseries Item was tabled at the Planning and Development Committee at its meeting held 1988 May 11th.

The Committee was also in receipt of a submission from the Social Planning and Research Council dated 1988 May. The Committee was also in receipt of a letter from Mrs. Judith Preston, Director, The Playstop Limited, Laurier Child Care Centre dated 1988 June 1.

The Committee then discussed this matter in great length and APPROVED the following:

- (a) That as part of the Official Plan's five-year review or annual update, Day Nurseries be permitted in all land use designations where:
  - (i) parking is readily available and/or a drop-off/pick-up zone is provided;
  - (ii) it is demonstrated by the proponent, to the satisfaction of Council, that the use will not create noise and traffic problems.
- (b) That the definition of Day Nursery in the Zoning By-law 6593, Section 2(2)B(ii) be amended to make it conform with the current Day Nurseries Act, defined as:

"A premises that receives more than five children who are not of common parentage, primarily for the purpose of providing temporary care, or guidance, or both temporary care and guidance, for a continuous period not exceeding twenty-four hours, where the children are:

  - (i) under eighteen years of age in the case of a day nursery for children with a developmental handicap; and,
  - (ii) under ten years of age in all other cases,

but does not include;

  - (iii) part of a public school, separate school, private school or a school for trainable retarded children under the Education Act; or,
  - (iv) a place that is used for a program of recreation and that is supervised by a municipal recreation director who holds a certificate issued pursuant to Section 10 of the Ministry of Culture and Recreation Act."
- (c) That Zoning By-law 6593 be amended by allowing Day Nurseries in the following districts:

E	(Multiple Dwellings, Lodges, Clubs, etc.) District
E-1	(Multiple Dwellings, Lodges, Clubs, etc.) District
E-2	(Multiple Dwellings) District
E-3	(High Density Multiple Dwellings) District
U	(University District)
G	(Neighbourhood Shopping Centre, etc.) District
G-1	(Designated Shopping Centre) District
G-2	(Regional Shopping Centres) District
G-4	(Designated Neighbourhood Shopping Centre Area District)



H (Community Shopping and Commercial, etc.) District  
HH (Restricted Community Shopping and Commercial)  
District  
I (Central Business District, etc.)  
HI (Civic Centre Protected Districts)  
CR-1 (Commercial Residential) District  
CR-2 (Commercial Residential) District  
CR-3 (Commercial Residential) District  
J (Light and Limited Heavy Industry, etc.) District  
JJ (Restricted, Light Industrial District)  
K (Heavy Industry, etc.) District  
KK (Restricted Heavy Industrial District)  
M-11, 12, 13, 14, 15 (Prestige Industrial) District

(d) That Day Nurseries be permitted in the following districts:

AA (Agricultural) Districts  
B (Suburban Agricultural and Residential, etc.)  
District  
B-1 (Suburban Agricultural and Residential, etc.)  
District  
B-2 (Suburban Residential) District  
C (Urban Protected Residential, etc.) District  
D (Urban Protected Residential - One and Two-Family  
Dwellings, Townhouses, etc.) District  
R-2 (Small Lot Single Family Detached) District  
R-4 (Urban Protected Residential - One and Two-Family  
Dwellings, etc.) District  
RT-10 (Townhouse) District  
RT-20 (Townhouse - Maisonette) District  
RT-30 (Street - Townhouse - District)  
DE (Low Density Multiple Dwellings) District  
DE-2 (Multiple Dwellings) District  
DE-3 (Multiple Dwellings) District

subject to the following:

- (i) it is located within a school, church, community centre or other public building; or
  - (ii) it has a maximum number of 25 children and is situated on a lot which is more than 180 metres from the lot line of any other tract of land occupied by a Day Nursery other than those located in a school, church, community centre or other such public building.
  - (iii) that notwithstanding Section 18A(14), no parking shall be permitted in a front yard except within the access driveway leading to the required parking spaces.
- (e) That the amending By-law recognizes those Day Nurseries existing at the date of the passing of the existing by-law as legal conforming uses;
- (f) That Zoning By-law 6593 be amended to require Day Nurseries to provide a parking or a loading zone to drop off and pick up children at a ratio of one stacked car space per six children; and
- (g) That Day Nurseries in all districts be placed under Site Plan Control.

- (h) That Private Home Day Care be defined in the zoning by-law as follows:

"Temporary care of 5 or fewer children under 18 years of age in a private residence other than the home of a parent or guardian of any of the children. This care is given for compensation or reward, under the supervision of a private-home day care agency and must not exceed a period of 24 hours."

- (i) That Section 3(3)(ia) be inserted in the by-law and read as follows:

"A private home day care is permitted within a dwelling unit."

As an added item Alderman Christopherson brought to the Committee's attention the problem he is having with property at 293 Tragina Avenue North.

Property at  
293 Tragina Avenue  
North.

The Committee was in receipt of an Information Report from the Building Commissioner dated 1988 June 8 respecting the deteriorating condition of this property.

Dr. Cunningham of the Health Unit was in attendance at this meeting and reported on this situation. Mr. P. Hooker of the City's Solicitors Department was also in attendance and reported, as well as Mr. B. Allick of the Building Department.

Mrs. Hepburn, the immediate neighbour of the property spoke to the Committee about the condition of the property and the discomfort this is having on the neighbourhood.

A great deal of discussion ensued on this matter and it was then moved by Alderman Christopherson, seconded by Alderman Hinkley and CARRIED:

That staff be directed to expedite as quickly as possible the following:

- (a) That the Health Unit issue an Order condemning the house as unfit for human habitation.
- (b) That as soon as this order has been issued that the Building Department seek admission to the house for the purpose of examining the structural condition of the house.
- (c) That the firm handling the City's litigation files proceed as quickly as possible with a Contempt of Court/Appointment of Trustee Application to a High Court Judge against the owner of the property at 293 Tragina Avenue North.
- (d) That staff be requested to report back on this matter to the Planning and Development Committee as well as the Ward Aldermen and the Mayor.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 May 18 respecting Site Plan Control Application DA-88-27 for property at 7-23 Gurnett Drive.

Site Plan Control  
Application  
DA88-27 -  
7-23 Gurnett Drive.

The Committee APPROVED this Site Plan Control Application as follows:

That APPROVAL be given to Site Plan Control Application DA-88-27 by Hamilton Portuguese Community Home Inc., owners of lands known as 7-23 Gurnett Drive.

- (a) Modification to the plan in relation to notes and dimensions as marked in red on the plans; and

- (b) Grading of Phase I of the Vila Portuguesa be rectified in compliance with approved grading plan or the submission of a revised grading plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department for those areas.

City Initiative

An added motion was APPROVED by the Committee as follows:

That the Director of Planning and Development be directed to initiate a rezoning and an official plan amendment (as required) for a Public Education Centre with accessory Residential use for Bell Cairn School at the Beach.

Site Plan  
Control Application  
DA87-128 - 1050  
Upper Gage Avenue.

The Committee was in receipt of a report from the Commission of Planning and Development dated 1988 May 12 respecting Site Plan Control Application DA-87-128 for a pylon sign for 1050 Upper Gage Avenue.

Moved by Alderman Agostino, seconded by Alderman McCulloch and carried to APPROVE the site plan for permission to erect a pylon sign.

CAPIC -  
Proposed Hamilton  
Perimeter Road.

The Committee was in receipt of a report from the Secretary of the Central Area Plan Implementation Committee (CAPIC) respecting the proposed Hamilton Perimeter Road.

Alderman Christopherson, Chairman of CAPIC introduced John Nolan who would speak on the recommendations and thanked all members of the Committee for their work on this report.

Mr. John Nolan spoke to the Committee on CAPIC's recommendations respecting the proposed Hamilton Perimeter Road.

General discussion ensued on this report and it was moved by the Mayor, seconded by Alderman Hinkley and carried:

- (a) That the Planning and Development Committee RECEIVE BUT NOT ENDORSE the recommendations of the Central Area Plan Implementation Committee (CAPIC) with respect to the proposed Hamilton Perimeter Road, and;
- (b) That this report be forwarded to the Regional Engineering Services Committee with an indication that the Planning and Development Committee took NO ACTION and did not endorse this recommendation.

When the Committee was discussing the recommendations on this matter the Mayor indicated that he would be arranging a special meeting of all parties concerned to discuss the issue and that he would be attempting to arrange such a meeting within the next few weeks.

Adjournment.

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN  
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder  
Secretary  
1988 June 8



Wednesday, 1988 June 15  
2:00 o'clock p.m.  
Room 233, City Hall

The Planning and Development Committee met:

There were present: Alderman J. Smith, Chairman  
Alderman D. Ross, Vice-Chairman  
Mayor Robert M. Morrow  
Alderman B. Hinkley  
Alderman D. Christopherson  
Alderman W. McCulloch  
Alderman H. Merling  
Alderman T. Cooke  
Alderman D. Agostino

Also present: Alderman V. Agro  
Alderman T. Murray  
Mr. L. Sage, Chief Administrative Officer  
Mr. V. Abraham, Director of Local Planning  
Mr. P. Lampman, Building Department  
Ms. M. German, Building Department  
Mr. M. Watson, Real Estate Division  
Mr. L. King, Building Department  
Mr. K. Brenner, Regional Engineering  
Mr. J. Schwarz, Regional Planning  
Mr. D. Godley, Planning Department  
Mr. D. Vye, Director of Property  
Mr. R. Karl, Traffic Department  
Mr. E. Kowalski, Director of Community Development  
Ms. J. McNeilly, Community Development  
Mr. B. Allick, Building Department  
Ms. A. Gillespie, Planning Department  
Mrs. Susan K. Reeder, Secretary

The Committee was in receipt of the minutes of their meeting held Tuesday, 1988 May 31 and APPROVED these minutes.

Alderman Hinkley indicated to the Committee that it is important that the City's Appointee to the Hamilton Harbour Commission (Mr. Duncan Beattie) meet with the City Planning staff and the City Solicitor's staff to have him informed on matters pertaining to the Harbour. Mr. Victor Abraham, Director of Local Planning indicated to the Committee that his staff have scheduled a meeting with Mr. Beattie.

The Committee was in receipt of information forwarded to them from the Mayor respecting the 15th Annual Conference of the Heritage Canada Foundation entitled "Managing our Cities: The New Collaboration" to be held in Charlottetown, P.E.I. on 1988 September 8 - 10.

The Committee APPROVED the following:

That the Chairman of the Planning and Development Committee or his designate be authorized to attend the 15th Annual Heritage Canada Foundation Conference entitled "Managing our Cities: The New Collaboration" to be held in Charlottetown, P.E.I. on 1988 September 8 - 10.

The Committee was in receipt of correspondence forwarded to them from the Mayor from Mr. Mike Pennock, Executive Director, The Social Planning and Research Council respecting their request that West Avenue School be examined for the feasibility of establishing its use as a Central Facility for Self-help Groups from around the City.

The Committee agreed to RECEIVE this correspondence.

Minutes -  
1988 May 31.

Briefing by staff -  
City's Appointee  
to the Hamilton  
Harbour Commission.

15th Annual  
Conference -  
Heritage Canada  
Foundation -  
"Managing our Cities:  
the New Collaboratio

Correspondence -  
Social Planning  
and Research Council  
- re: West Avenue  
School.



Article - "In  
Search of  
Innovation in the  
Cities" .  
Report - Alderman  
Hinkley -  
American Planning  
Conference.

The Committee was in receipt of an article forwarded to them from the Mayor from the Christian Science Monitor dated 1988 May 3rd entitled "In Search of Innovation in the Cities". The Committee agreed to RECEIVE this article.

The Committee was in receipt of a report from Alderman Brian Hinkley dated 1988 May 18th respecting his recent attendance at the American Planning Association Conference held in San Antonio, Texas on 1988 April 30 - May 4.

Alderman Hinkley spoke to the Committee on this Conference and encouraged new members of Council to attend these types of conferences. Alderman Hinkley also noted that the City of San Antonio has what is known as a "History Walk" which he found worthy of investigation for possible implementation of such a programme in the City of Hamilton.

Demolition  
Permit Applications.

The Committee was in receipt of a report from the Building Commissioner dated 1988 June 7 respecting demolition permit applications.

The Committee APPROVED the following:

That the Building Commissioner be authorized to issue demolition permits for the demolition of the following properties:

- (a) 432 Ferguson Avenue North
- (b) 938 Upper Paradise Road
- (c) 922 Upper Paradise Road
- (d) 912 Upper Paradise Road
- (e) 22 East 7th Street
- (f) 140 Burlington Street East
- (g) 1468 Upper James Street
- (h) 310 Britannia Avenue
- (i) 153 Nash Road North
- (j) 25 Gerrard Street

Administration -  
Lot Grading.

The Committee was in receipt of a report from the Building Commissioner dated 1988 June 8 respecting the administration aspects of the recently approved lot grading obligations for subdivisions.

Considerable discussion ensued on this matter and following one amendment to clause (a)(iii) to eliminate the words "or block" after the words "per lot", it was moved by Alderman Merling, seconded by Alderman Christopherson and carried to APPROVE the following:

That for the purpose of implementing the new lot grading obligations for subdivisions approved by City Council on 1988 February 29, the following BE APPROVED:

- (a) That the form of the City's Subdivision Agreement be revised for all Subdivision Agreements executed by the City on or after 1988 August 1, as follows:
  - (i) That Subdividers be required to provide the City with their Engineer's Certificate (on compliance with the lot grading obligations) within six (6) months of the insulation inspection date, and;

- (ii) That if the Engineer's Certificate is not received within the six (6) month period, or if received, is not in compliance with the provisions of the Subdivision Agreement, that the City may obtain, at the Subdivider's expense, the required Certificate and recover the cost thereof out of the security held by the City pursuant to the Subdivision Agreement, and;
  - (iii) That Subdividers be required to pay a "Lot Grading Inspection Fee" in the amount of \$153.00 per lot to cover the costs incurred by the Engineering and Building Departments in reviewing, approving, inspecting and enforcing each subdivision's lot grading plan and detailed grading plans.
- (b) That the Building Department budget be increased by \$75,518. to accommodate the hiring of two additional Building Inspectors and one stenographer commencing 1988 September 1, and;
  - (c) That the Finance Committee be requested to recommend the method of financing.

NOTE: The Building Department Budget will be increased by \$75,518. in Year 1 and \$127,554. in Year 2. If 1000 houses are built per year the annual revenue generated by the "Lot Grading Inspection Fee" will be \$153,000.

For the information of the members of City Council, staff have been requested to investigate measures that can be taken on grading problems occurring in established areas.

During discussion on this matter the Committee AGREED that:

"That staff be directed to investigate measures that can be taken on grading problems occurring in established areas.

NOTE: It was indicated that the recommendations respecting lot grading recently approved by City Council would not apply to difficulties being encountered by people in established areas, i.e. Neighbours raising their grading and creating difficulties for abutting properties.

It was suggested that Provincial legislation may be required to allow the Municipality to address these difficulties."

It was also suggested at the Committee that the possibility of compiling a brochure on Solutions and Citizen's Rights with Reference to Lot Grading Matters be produced for use by the Aldermen for their residents who are experiencing these type of problems, as well as for distribution at other areas around the City.

As an added item Alderman Christopherson presented a memo addressed to himself from Mr. P. Lampman of the Building Department dated 1988 June 14th respecting the inspection and enforcement by the Building Department of the Second Level Lodging House By-law.

Alderman Christopherson presented this matter to the Planning and Development Committee in order that the Committee be made aware of the problems which may be encountered as a result of no inspections of Second Level Lodging Houses.

Grading in established areas.

Brochure on Grading.

Inspection and Enforcement of the Second Level Lodging House By-law.

Following considerable discussion on this matter the Committee APPROVED the following:

"That a funding report be submitted by the Building Department to the Planning and Development Committee on the cost required to ensure that inspection enforcement by the Building Department is carried out on Second Level Lodging Houses as per the City's By-law".

Application -  
Heritage  
Programme and  
Designated  
Property Grant.

The Committee was in receipt of a Private and Confidential Report from the Director of Community Development dated 1988 May 25 respecting the City of Hamilton Heritage Programme and a Designated Property Grant.

The Committee APPROVED the following:

- (a) That the Department of Community Development be directed to process a Designated Property Grant in the amount of \$4,850. to Mr. Carl Kopriva, owner of 233 and 235 Locke Street North (Castle Dean), and;
- (b) That the Department of Community Development be directed to process an increase in the Community Heritage Trust Fund Loan to Mr. Carl Kopriva, owner of 233 and 235 Locke Street North (Castle Dean), in amount of \$4,850. at six percent interest, amortized over a ten year period.

Application -  
Commercial Facade  
Loan.

The Committee was in receipt of a report from the Director of Community Development dated 1988 June 2 respecting a Commercial Facade Loan Application.

The Committee APPROVED the following:

That a Commercial Facade Loan in the amount of \$12,546. be approved for F. B. Smith McKay Florists Ltd., owners of 238 James Street North.

NOTE: The interest rate will be 4.5 percent, amortized over 10 years.

1988-1991 Sub-  
mission - Business  
Improvement Area -  
Commercial  
Improvement  
Programme.

The Committee was in receipt of a report from the Director of Community Development dated 1988 June 14 respecting the 1988-1991 Submission for the Business Improvement Area - Commercial Improvement Programme.

The Committee APPROVED the following:

- (a) That, the staff recommendations based on the Business Improvement Area Commercial Improvement Programme submissions, attached hereto and marked APPENDIX "E", BE APPROVED at an estimated gross cost of \$599,170; and,
- (b) That, the Department of Community Development be authorized to implement the recommendations in (a) above.

NOTE: On 1987 January 29, City Council approved the Department of Community Development's Capital budget submission of five hundred thousand dollars (\$500,000.) per year for the next five (5) years for a total of two million, five hundred thousand dollars (\$2,500,000.), for the Commercial Improvement Programme. City Council, at its meeting held 1987 May 26, adopted Item #1 from the 12th Report of the Executive Committee for 1987, recommending that the Commercial Improvement Programme be proceeded with at an estimated gross cost of two million, five hundred thousand dollars (\$2,500,000.).



Between February and May of 1987, submissions were accepted for the Programme from all eligible B.I.A.'s. In 1987 there were six (6) B.I.A.'s that made application and were eligible for the Commercial Improvement Programme and this year there are seven (7), the newest being the Barton General B.I.A.

For the purpose of reviewing these applications a staff advisory committee was established in 1987 and again in 1988, comprised of representatives of all affected departments. Based on this expertise APPENDIX "E" has been formulated.

The Committee was in receipt of a report from the City Treasurer dated 1988 June 1 respecting the final release of holdback for architectural services for the Downtown Action Plan - Phase V.

The Committee APPROVED the following:

"That total holdback in the amount of \$5,850. be released to S. M. Roscoe Architect Inc. for the completion of the contract, P.O. 24473, for the architectural services for the Downtown Action Plan - Phase V pending receipt by the Treasury Department of the standard release forms from the contractor and City Solicitor's Department".

The Committee was in receipt of a report from the Commissioner of Engineering dated 1988 May 26 respecting Cardinal Heights Addition No. 5, Phase 3, Lot 5.

The Committee APPROVED the following:

That the City NOT TAKE ANY FURTHER ACTION with respect to Lot 5, Cardinal Heights Addition No. 5, Phase 3, providing Starward Homes Ltd. offers \$1,200. to the owner of Lot 5 for settlement on lot grading.

NOTE: Cardinal Heights Addition No. 5, Phase 3, is a subdivision where the grading was to be completed several years after the initial construction, with the resulting fence erection and landscaping before the last of the grading disputes are settled. This has made it difficult to settle the dispute on Lot 5.

The grading in the vicinity of Lot 5 is reasonable, but Lot 5 is somewhat lower than the surrounding lands because of changes which were done on the surrounding lands several years ago. Lot 5 grading itself is not extremely bad, but slight improved drainage would be beneficial. In order to achieve this, a number of meetings were held by the subdivider's staff, his consultant, City staff and the owner of Lot 5. Many solutions were proposed, but the owner kept insisting that the neighbour's lands should be lowered, which in the other's opinion, was not reasonable. Finally, after many more phone calls, the owner sent the City a letter in which he indicated what he considers acceptable. This, in turn, involves the lands of the other owners.

It is the staff's opinion that, while Lot 5 is not graded perfectly, there is no serious drainage problem on it. Furthermore, the owner has turned down the subdivider's proposal to regrade, and the Regional staff's solution, which was a catch basin.

It is therefore recommended that the City not take any further action on the agreement, providing the owner is offered \$1,200. compensation for nuisance.

Final Release of  
Holdback -  
Architectural  
Services - Downtown  
Action Plan -  
Phase V.

Cardinal Heights  
Addition No. 5,  
Phase 3, Lot 5.



Cash in lieu of  
Parkland.

The Committee was in receipt of a report from the Commissioner of Engineering dated 1988 May 25 respecting a cash payment in lieu of parkland for a Aquila Place - Phase 2.

The Committee APPROVED the following:

- Aquila Place -  
Phase 2.

- (a) That the Corporation of the City of Hamilton accept the sum of \$4,200. as cash payment in lieu of the 5% dedication in connection with "Aquila Place - Phase 2", Hamilton, this being the cash requirement under Section 50 of the Planning Act.

NOTE: These lands are located south of Limeridge Road and west of Upper Wentworth Street in the Crerar Neighbourhood, Hamilton.

The Committee was in receipt of a report from the Commissioner of Engineering dated 1988 May 5 respecting a cash payment in lieu of parkland for Wisemount Forest Survey - Phase 4.

The Committee APPROVED the following:

- Wisemount  
Forest Survey -  
Phase 4.

- (b) That the Corporation of the City of Hamilton accept the sum of \$7,500. as cash payment in lieu of 5% dedication in connection with "Wisemount Forest Survey - Phase 4", Hamilton, this being the cash requirement under Section 50 of The Planning Act.

NOTE: The lands are located south of Mohawk Road and west of Upper Kenilworth Avenue in the Lisgar Neighbourhood, Hamilton.

The Committee was in receipt of a report from the Commissioner of Engineering dated 1988 May 5 respecting a cash payment in lieu of parkland for Rushdale Manor.

The Committee APPROVED the following:

-- Rushdale Manor.

- (c) That the Corporation of the City of Hamilton accept the sum of \$4,760. as cash payment in lieu of 5% dedication in connection with "Rushdale Manor", Hamilton, this being the cash requirement under Section 50 of The Planning Act.

NOTE: These lands are located south of Limeridge Road and west of Upper Sherman Avenue in the Rushdale Neighbourhood, Hamilton.

The Committee was in receipt of a report from the Commissioner of Engineering dated 1988 May 5 respecting a cash payment in lieu of parkland for DiCenzo Gardens - Phase 3.

The Committee APPROVED the following:

- DiCenzo Gardens -  
Phase 3.

- (d) That the Corporation of the City of Hamilton accept the sum of \$3,720. as cash payment in lieu of 5% dedication in connection with "DiCenzo Gardens - Phase 3", Hamilton, this being the cash requirement under Section 50 of The Planning Act.

NOTE: These lands are located south of Stone Church Road and west of Upper Wellington Street in the Ryckman Neighbourhood, Hamilton.

The Committee was in receipt of a report from the Director of Property dated 1988 June 3 respecting a sale by the City, Part 10, Plan 62R-6188 - Keefer Court - Kenora Industrial Park.

Sale by the City -  
Part 10, Plan 62R-  
6188 - Keefer Court.

The Committee APPROVED the following:

That the Offer to Purchase the lands of the City of Hamilton known as Part 10, Plan 62R-6188, duly executed by the Purchaser, Aiden Tuite on 1988 March 15, and approved by City Council on 1988 April 26, (Item 13 of the 9th Report of the Planning and Development Committee) BE AMENDED as follows:

- (a) Clause 7 - the closing date be extended from 1988 June 6 to 1988 August 31.

NOTE: All other conditions of the agreement shall remain the same and time is of the essence.

The Committee was in receipt of a report from the Director of Property dated 1988 June 6 respecting the rental of property at 10, 12, 14 and 24 Gerrard Street.

Rental of Property -  
10, 12, 14 and 24  
Gerrard Street.

The Committee APPROVED the following:

- (a) That the vacant lots at 10, 12, and 14 Gerrard Street measuring approximately 74 feet by 80 feet and the vacant lot at 24 Gerrard Street measuring approximately 19 feet by 80 feet BE RENTED to Philip Enterprises Inc. on a monthly basis commencing 1988 July 1 at a rental of \$280. per month plus taxes estimated at \$1,400. for the year 1988.

- (b) That the Mayor and City Clerk be authorized to execute the Tenancy Agreement.

NOTE: The above mentioned properties have been purchased by the City of Hamilton in connection with the acquisition of land in the Alpha Enclave (West) Phase I.

The lands are to be rented on a monthly basis until the assembly in the area is completed.

The Committee was in receipt of a report from the Director of Property and Co-Ordinator of the L. D. Jackson Square dated 1988 May 24 respecting First Phase - L. D. Jackson Square - Cinema Expansion.

Cinema Expansion -  
First Phase -  
L. D. Jackson Square

The Committee APPROVED the following:

- (a) That the City, in its capacity as Landlord, GRANT CONDITIONAL APPROVAL to First Phase Civic Square Limited to expand the cinemas within the first phase of the L. D. Jackson Square, the expansion contemplating the creation of an additional building coverage of approximately 14,000 square feet at the Plaza Level, subject to First Phase:-

- (i) complying with the requirements of the Ground Lease, including additional ground lease payment,
- (ii) complying with all Federal, Provincial, Regional and Municipal laws, by-laws, requirements and regulations,
- (iii) providing the detailed plans and drawings for approval in accordance with the Ground Lease,
- (iv) executing any amendments to the Ground Lease, if formal amendments prove necessary.

- (b) That the Lessee, First Phase Civic Square Limited, be informed that this approval is preliminary only and is subject to the required plans, drawings and other documentation required by the Ground Lease and Development Agreement being received and approved by Council or the Co-Ordinator of the L. D. Jackson Square as the Review Authority, as the case may be, prior to final approval being given and prior to the commencement of any physical alteration to the leased premises and that the Lessee should act accordingly.
- (c) That the City agree to reducing the publicly usable open space on the Plaza Level by the area of the proposed cinema expansion.

Release of building  
covenants -  
61 Burford Road.

The Committee was in receipt of a report from the Director of Property dated 1988 May 18 respecting the release of building covenants - Robertson-Irwin Limited - 61 Burford Road, Part of Lot 2 and Lots 3 and 4, Plan 1382, Grayside Industrial Estate No. 1.

The Committee APPROVED the following:

That the City Solicitor BE AUTHORIZED to prepare a Quit Claim Deed from the City of Hamilton to the present owners of 61 Burford Road, Hamilton, to release the property from the construction covenants to the City as contained in deed number 130663 A. B. (Lots 3 and 4) and deed number 208866 A.B. (part Lot 2).

Extension of  
Commencement and  
Completion Dates -  
140 Nebo Road.

The Committee was in receipt of a report from the Director of Property dated 1988 May 18 respecting the extension of commencement and completion dates of construction for the City Sale of Lot 18, Plan M-227 (140 Nebo Road).

The Committee APPROVED the following:

That the Offer to Purchase the lands of the Corporation of the City of Hamilton being composed of Lot 18, Plan M-227, Hamilton Industrial Park No. 1, duly executed on 1987 September 3, by the Purchaser, Fin-Par Enterprises Inc., and approved by City Council on 1987 September 29, (Item 20 of the 17th Report of the Planning and Development Committee) BE AMENDED as follows:

- (a) the commencement of construction date be extended from 1988 June 2 to 1988 October 2, and;
- (b) the completion of construction date be extended from 1989 June 2 to 1989 October 2.

NOTE: A request from the Solicitor for the Owners, for a four month extension of the construction commencement and completion dates has been received. He advises that the Owners had entered into an agreement to construct a building for lease. However, the firm has now indicated that it no longer wishes to take possession of the said building. The Owner is now required to find a new tenant and re-draft their architectural plans and specifications for its 12,000 minimum square foot building.

In view of the delay caused by this predicament, the Director of Property supports the extension.



The Committee was in receipt of a report from the Director of Property dated 1988 May 13 respecting the release of building covenants - 708628 Ontario Limited - 51 and 52 Keefer Court (Parts 11, 12, 13 and 14 - Plan 62R-7820).

Release of building covenants - 51 and 52 Keefer Court.

The Committee APPROVED the following:

That the City Solicitor BE AUTHORIZED to prepare a Quit Claim deed from the City of Hamilton to the present owners of 51 and 52 Keefer Court, Hamilton, Ontario, to release the property from the construction covenants to the City as contained in deed number 410029 CD.

The Committee was in receipt of a report from the Director of Property dated 1988 May 13 respecting covenants to preserve property in favour of the City - 66 Arkledun Avenue.

Covenants to preserve property in favour of the City - 66 Arkledun Avenue.

The Committee APPROVED the following:

That Mr. Peter Spitman, the present registered owner of 66 Arkledun Avenue, BE INFORMED that the City has elected not to exercise its right to receive notice of the property sales prior to his taking title to this property, but that the City reserves its right pursuant to the covenants in favour of the City in registered Deed No. 395261 A.B. to be provided with two months to equal any reasonable offer to purchase the property which may arise in the future.

NOTE: In 1975 September, this property was sold by the City to Mr. Roger Gerard. As the building was considered to have architectural significance, the agreement of purchase and sale specified;

- (a) That there be no structural changes to the exterior other than maintenance, without the City's approval, and;
- (b) That the City be given two months in which to equal any subsequent reasonable offer to purchase, on a first refusal basis.

In 1979, City Council decided to take no action to match an offer received by the then owner on the sale of the property. Since then the property has changed hands without giving the City two months to consider matching the sale price paid in the change of ownership. Accordingly, the present owner now requests the City to confirm that the City does not require the property at this time and that the City waives its right that it had to receive notice of the previous sales resulting in the current ownership of the property in favour of Mr. Peter Spitman.

The Committee was in receipt of a report from the Cash-in-lieu of Parking Committee dated 1988 May 25 respecting parking payment for the property located at 293-335 Wellington Street North.

Cash-in-lieu of Parking - 293-335 Wellington Street North.

Some discussion ensued on this matter and staff were requested to provide a report to the Committee outlining the inter-relationship between the Committee of Adjustment, the Planning and Development Committee and the Cash-in-lieu Committee.



The Committee then APPROVED the following:

- (a) That in accordance with the cash-in-lieu payment policy, Cidracine Enterprises Limited be required to pay to the City of Hamilton the sum of \$30,000. (\$2,000. x 15 required parking spaces).
- (b) That the City Solicitor be directed to prepare the necessary agreements to implement the cash-in-lieu parking payment.

NOTE: Cidracine Enterprises Limited applied to the City of Hamilton to rezone the lands at Nos. 293-335 Wellington Street North to permit the conversion of the existing industrial building for medical offices. A total of 322 parking spaces was required for the development; however, a variance was granted to permit 176 spaces on-site, 25 spaces on the lands to the north and 15 spaces to be paid for through the cash-in-lieu policy (total 216 spaces) which was one of the conditions of the rezoning.

The Cash-in-lieu Parking Committee met on 1988 May 18 to determine the cash-in-lieu payment for the 15 required parking spaces. The land cost is \$2,250. per space and the development cost is \$1,750. for a total of \$4,000. per space. In accordance with the cash-in-lieu policy, the applicant pays 50% of the total cost per space.

Designation -  
St. Paul's Church  
- 109 Smith Avenue.

The Committee was in receipt of a report from the Secretary of LACAC respecting the designation of St. Paul's Ecumenical Church, 109 Smith Avenue (corner of Barton Street East).

The Committee APPROVED the following:

- (a) That APPROVAL be given to the "Intent to Designate" the North, East and West facades of St. Paul's Ecumenical Church and the East facade of the Sunday school as a property of Historical and Architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as per the Reasons for Designation attached herewith and marked APPENDIX "F".
- (b) That the City Solicitor be authorized and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

Proposed revision  
to the mandate of  
the Hamilton Beach  
Implementation  
Committee.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 June 8 respecting the proposed revision of the mandate of the Hamilton Beach Implementation Committee.

The Committee APPROVED the following:

That the revised mandate of the Hamilton Beach Implementation Committee attached herewith and marked APPENDIX "G", BE APPROVED.

NOTE: Minor changes have been proposed to the approved mandate of the Hamilton Beach Implementation Committee. These changes have been made mainly to recognize the high priority to be given the installation of trunk sewers, and preparation of the neighbourhood plan.

The Hamilton Beach Concept Plan was accepted in principle by City Council on 1987 November 24. The City at this time also approved the formation of an Implementation Committee to help carry out the plan.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 May 4 respecting the proposed draft plan of subdivision (Oakdale Estates).

Proposed Draft  
Plan of Subdivision  
- Oakdale Estates.

The Committee APPROVED the following:

- (a) That APPROVAL be given to Subdivision Application 87-23, 428680 Ontario Limited, to establish a draft plan of subdivision north of Rymal Road between Upper Wellington Street and Upper Wentworth Street, subject to the following conditions:
  - (i) That this approval apply to the revised plan prepared by MacKay, MacKay and Peters Limited, dated 1988 January 22, showing 334 lots, 6 blocks and walkway, further revised to shown block numbers for street widenings (Blocks "341", "342" and "343"), 0.3m reserves (Blocks "334", "345", "346" and "347") walkway (Block "348") and dimensional changes at street curves.
  - (ii) That the owner acquire from the City of Hamilton the strip and land located between the subject land and the land of the City of Hamilton Board of Education.
  - (iii) That the owner complete a satisfactory land exchange with the City of Hamilton Board of Education so that proposed Brigade Drive and Byng Street can be established to the full required width as shown on the draft plan.
  - (iv) That the owner acquire sufficient land to establish proposed Street "K" to the full required width.
  - (v) That the streets and street widenings (Blocks "341", "342" and "343") be dedicated as public highways and the walkway (Block "348") be dedicated as a public walkway on the final plan.
  - (vi) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
  - (vii) That the final plan conform with the Zoning By-law approved under the Planning Act.
  - (viii) That the owner convey Block "339" to the City of Hamilton for park purposes pursuant to the provisions of The Planning Act.
  - (ix) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
  - (x) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
  - (xi) That any dead-end or open side of the road allowance created by the plan be terminated in 0.3m reserves (Blocks "344", "345", "346" and "347") to be conveyed to the City of Hamilton and to be held by the City until required for the extension of the road allowance or for the development of abutting lands.

- (xii) That only those parts of the plan to which municipal services are available shall be registered.
- (xiii) That Blocks "337", "338" and "340" be developed only in conjunction with abutting lands.
- (xiv) That Block "336" be divided into lots for single-family dwellings on the final plan to the satisfaction of the City of Hamilton.
- (xv) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
- (xvi) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

- (b) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-87-23), 428680 Ontario Limited, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
- (c) That the Barnstown Neighbourhood Plan be amended to show the adjustments to the land use boundaries, street pattern and the inclusion of the walkway, all in compliance with the recommended draft plan of subdivision.

Applications for extensions of draft approvals.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 May 19 respecting applications for extensions of draft approvals for Templemead No. 3, Rexford Heights -Phase 2 and Oakland Park Extension No. 4 Subdivision.

The Committee APPROVED the following:

That the Regional Municipality of Hamilton-Wentworth be requested to grant one year extensions to the draft approval for Templemead No. 3 Subdivision (Regional File No. 25T-77005), Rexford Heights - Phase 2 Subdivision (Regional File No. 25T-77033) and Oakland Park Extension No. 4 Subdivision (Regional File No. 25T-79022).

Repeal of Part Lot Control By-laws.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 May 13 respecting the repeal of part lot control by-laws.

The Committee APPROVED the following:

- (a) That approval be given to the attached by-law which repeals part lot control By-Law 79-148, 79-158, 80-182, 81-182, 81-251, 81-252, 82-136, 82-137, 83-188, 83-220, 84-253, 86-113 and 86-146, and
- (b) That the City Clerk shall register this By-law, and
- (c) That the Planning and Development Department be advised of the repealing by-law number.

NOTE: This bill will be forwarded to City Council as Bill D-78.



The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 May 31 respecting Proposed Amendment No. 35 to the Hamilton-Wentworth Official Plan.

Proposed Amendment  
No. 35 to the  
Hamilton-Wentworth  
Official Plan.

The Committee APPROVED the following:

That the City Clerk be requested to inform the Regional Municipality of Hamilton-Wentworth that Proposed Amendment No. 35 to the Hamilton-Wentworth Official Plan is consistent and does not conflict with the City of Hamilton's planning intentions.

NOTE: Hamilton-Wentworth Region has requested the City's comments on proposed Amendment No. 35 to the Hamilton-Wentworth Official Plan which provides for additional commercial uses in Industrial-Business Parks, subject to certain criteria relating to type, location and amount of development in the Parks.

At this point the meeting adjourned to the Council Chambers for the purpose of hearing Zoning Applications and Planning Matters.

Adjourn to  
Council Chambers.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 June 7 respecting City Initiative 88-C, for property at 255 West Avenue North (West Avenue School).

C.I.88-C -  
255 West Avenue  
North (West  
Avenue School)

Report of the circularization was given as follows:

223 notices sent      10 in favour      2 opposed

Mr. Harold Mook, 268 West Avenue North spoke to the Committee. He expressed concerns at the impact of the lack of parking in the area and the fact that this particular area needs to be cleaned up. He added that he hopes that the City will be a good neighbour.

It was then moved by Alderman Hinkley, seconded by Alderman McCulloch and carried to APPROVE the following recommendation:

- (a) That APPROVAL be given to City Initiative 88-C, City of Hamilton, owner, requesting a change in zoning from "G-3" (Public Parking Lot) District to "H" (Community Shopping and Commercial, etc.) District, modified, to permit the conversion of the existing school for one or more of the following commercial, institutional, residential and public uses, for the property located at No. 255 West Avenue North, as shown on the attached map marked APPENDIX "H", on the following basis:
  - (i) That the subject lands be rezoned from "G-3" (Public Parking Lot) District, modified, to "H" (Community Shopping and Commercial, etc.) District.
  - (ii) That the "H" (Community Shopping and Commercial, etc.) District regulations contained in Section 14 of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special requirements:
    - 1. That notwithstanding Section 14.(1), only the following uses shall be permitted within the existing building:



(a) Commercial Uses

- (i) Offices excluding medical and dental offices
- (ii) Theatrical Production and Administrative facility with no seating
- (iii) Public parking lot
- (iv) Commercial School

(b) Residential Use

- (i) Multiple Dwelling

(c) Institutional Use

- (i) Day Nursery

(d) Public Uses

- (i) Community Center
- (ii) Museum

(iii) That Section 14.(3) shall not apply.

(iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1081, and that the subject lands on Zoning District Map E-12 be notated S-1081;

(v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-12;

(vi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(b) That the subject lands be added to Schedule "A" of Site Plan Control By-law 79-275, as amended by By-law 87-223 as shown on the attached map marked as APPENDIX "I".

NOTE: The purpose of this By-law is to provide for a change in zoning from "G-3" (Public Parking Lot) District to "H" (Community Shopping and Commercial, etc.) District for the property located at No. 255 West Avenue North.

The effect of this By-law is to permit the conversion of the existing West Avenue School for one or more of the following uses only:

- (a) offices excluding medical and dental offices
- (b) theatrical production and administrative facility with no seating capacity
- (c) public parking lot
- (d) day nursery
- (e) multiple dwelling
- (f) community center
- (g) commercial school
- (h) museum

In addition, the By-law exempts the existing building from the provision of yards which are required for residential uses.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 May 20 respecting Zoning Application 88-19 for property at the north-west corner of Upper Gage Avenue and Limeridge Road East.

Report of the circularization was given as follows:

199 notices sent      6 in favour      7 opposed

The Committee APPROVED the following:

- (a) That APPROVAL be given to Zoning Application 88-19, Robert Leggat, owner, for a change in zoning from "AA" (Agricultural) District to "DE-2" (Multiple Dwellings) District for property located at the north-west corner of Upper Gage Avenue and Limeridge Road East, as shown on the attached map marked as APPENDIX "J" on the following basis:

- (i) That the subject lands be rezoned from "AA" (Agricultural) District to "DE-2" (Multiple Dwellings) District;
- (ii) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Maps E-38A and E-38B; and,
- (iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

- (b) That the previous resolution dealing with the rezoning of this site (ZA-87-07 - 6.R.P.D.C. 1987, March 31) be rescinded since the applicant has withdrawn this application.

NOTE: The purpose of the by-law is to provide for a change in zoning for property located at the north-west corner of Upper Gage Avenue and Limeridge Road East from "AA" (Agricultural) District to "DE-2" (Multiple Dwellings) District.

The effect of the by-law is to permit development of the subject lands for an apartment building, having a maximum height of eight storeys.

The Committee was in receipt of a report from the Director of Local Planning dated 1988 June 3 respecting Zoning Application 88-23 for property on the west side of Sanatorium Road, in the area south of Scenic Drive.

Report of the circularization was given as follows:

48 notices sent      10 in favour      2 opposed

The Committee then APPROVED the following:

- (a) That APPROVAL be given to Zoning Application 88-23, Chedoke-McMaster Hospitals, owner, requesting a modification to the "AA" (Agricultural) District to permit the development of subject lands for a medical office complex having a gross floor area of approximately 4,645 m<sup>2</sup> (50,000 sq.ft.), for the property located on the west side of Sanatorium Road, in the area south of Scenic Drive, as shown on the attached map marked as APPENDIX "K", on the following basis:

ZA 88-19 - north-west corner of Upper Gage Avenue and Limeridge Road East.

ZA88-23 - west side of Sanatorium Road, south of Scenic Drive

- (i) That the "AA" (Agricultural) District regulations as contained in Section 7A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
    - 1) that notwithstanding Section 7A(1), the following commercial uses shall be permitted:
      - (a) medical offices and accessory uses;
      - (b) tuck shop;
      - (c) drug store; and,
      - (d) medical laboratories.
    - 2) that the rear and side yard requirements of Section 7A(3) shall not apply.
    - 3) that notwithstanding Section 18A(1) (d) and (e) one loading space (9.0 m x 3.7 m x 4.3 m) shall be provided and maintained on the lot.
    - 4) that notwithstanding Section 18A.(9), the required parking may be located off-site.
    - 5) that Sections 18A.(11), (12), (14) and (26) shall not apply.
  - (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1082, and that the subject lands on Zoning District Maps W-36 and W-37 be notated S-1082;
  - (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-36 and W-37;
  - (iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That the subject lands be added to Site Plan Control By-law 79-275, as amended by By-law 87-223, as shown on the attached map marked as APPENDIX "L".

NOTE: The purpose of this by-law is to provide for a modification to the "AA" (Agricultural) District for the property located on the west side of Sanatorium Road, in the area south of Scenic Drive.

The effect of the by-law is to permit the development of the subject lands for a medical office complex with accessory uses having a gross floor area of approximately 4,645 m<sup>2</sup> (50,000 sq. ft.)

In addition, the By-law provides for the following variances:

- (a) to allow the 218 required parking spaces to be accommodated off-site (on the existing Chedoke-McMaster hospital grounds) (Section 18A.(9)).
- (b) to exempt the development from the rear and side yard requirements.



- (c) to allow the development to provide one loading space (9.0 m x 3.7m x 4.3 m) instead of the legally required 2 large loading spaces (Section 18A.(1)(d) and (e)).
- (d) to allow the parking area to be located with 1.5m of a residential district and closer than 6.0m to the front lot line (Section 18A.(11)).
- (e) to exempt the development from providing a 1.5 m wide landscaped strip and a 1.2 m to 2.0 m high visual barrier between the parking area and a residential district (Section 18A.(12)).
- (f) to allow required parking in the required front yard (Section 18A(14)).
- (g) to allow the egress and ingress for the medical centre to be located less than 3.0 m from a residential district (Section 18A.(26)).

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 June 7 respecting Zoning Application 88-25 for property at 2783 Barton Street East.

ZA88-25 -  
2783 Barton Street  
East.

Report of the circularization was given as follows:

315 notices sent      22 in favour      3 opposed

The applicants indicated that they would also like to have a dance studio included as a permitted use.

The Committee then APPROVED the following:

That APPROVAL be given to an amended Zoning Application 88-25, Catharine Dillon, and Patricia Vassallo, owners, for a modification to the established "JJ" (Restricted Light Industrial) District regulations for property at No. 2783 Barton Street East, as shown on the attached map marked as APPENDIX "M", on the following basis:

- (a) That the "JJ" (Restricted Light Industrial) District regulations as contained in Section 16A of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variance as a special requirement.
  - (i) That in addition to the uses permitted in Section 16A(1) of By-law No. 6593, the following uses shall be permitted within the existing building with a maximum retail sales area of 50% of the gross leasable floor area:

S.I.C.  
IDENTIFICATION

- |   |      |
|---|------|
| (1) Household Furniture Store<br>(with appliances and furnishings)    | 6211 |
| (2) Household Furniture Store<br>(without appliances and furnishings) | 6212 |
| (3) Appliance, Television, Radio and<br>Stereo Store                  | 6221 |
| (4) Floor Covering Store  | 6231 |
| (5) Drapery store   | 6232 |
| (6) Industrial Machinery and<br>Equipment Rental and Leasing          | 9911 |



(7) Other Machinery and Equipment	
Rental and Leasing	9919
(8) Computer Services	7721
(9) Computer Equipment	
Maintenance and Repair	7721
(10) Tire, Battery, Parts and	
Accessories Store	6342

(ii) That the following commercial uses be permitted:

(1) Offices of Architects	7751
(2) Offices of Engineers	7752
(3) Management Consulting Services	7771
(4) Customs Brokers	7794
(5) Chartered Banks	7021
(6) Trust Companies	7031
(7) Local Credit Unions	7051
(8) Caterers	9214
(9) Medical Laboratories	8681
(10) Radiological Laboratories	8682
(11) Combined Medical and	
Radiological Laboratories	8683
(12) Dance Hall, Studio and School	9693

- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1083, and that the subject lands on zoning District Map E-123 be notated S-1083;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-123;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton planning area.

NOTE: The purpose of the By-law is to provide for a modification to the established "JJ" (Restricted Light Industrial) District regulations applicable to property at No. 2783 Barton Street East.

The effect of the By-law is to permit in addition to the established "JJ" (Restricted Light Industrial) District uses, other commercial uses within the existing building with a maximum retail sales area of 50% of the gross leasable floor area as referenced to above.

ZA88-27 -  
south-west corner  
of Upper Sherman  
Avenue and Limeridge  
Road East.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1988 May 16 respecting Zoning Application 88-27 for property at the south-west corner of Upper Sherman Avenue and Limeridge Road East recommending DENIAL of this application.

The report of the circularization was given as follows:

133 notices sent      7 in favour      9 opposed

The Committee heard from the representative of Petro Canada Inc. respecting this property. Mr. Charbonneau spoke in opposition to this application and outlined the history of zoning in the area.

It was then moved by Alderman Merling, seconded by Alderman Agostino and carried to APPROVE this application as follows:

- (a) That APPROVAL be given to Official Plan Amendment No. 58 to redesignate from "Residential" to "Commercial", lands located at the south-west corner of Upper Sherman Avenue and Limeridge Road East, and that the City Solicitor be directed to prepare a by-law to adopt the Official Plan amendment for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That APPROVAL be given to Zoning Application 88-27, David John Armstrong, owner, to establish a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial, etc.) District, modified, for property located at the south-west corner of Upper Sherman Avenue and Limeridge Road East, as shown on the attached map marked as APPENDIX "N", on the following basis
  - (i) That the subject lands be rezoned from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial, etc.) District.
  - (ii) That the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations as contained in Section 14A of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variance as a special provision:
    - 1. Notwithstanding Section 14A(1) of Zoning By-law No. 6593 only a retail variety store with an accessory gas bar outlet shall be permitted on the site.
  - (iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1084, and that the subject lands on zoning District Maps E-27A and E-27B be notated S-1084.
  - (iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-27A and E-27B.
  - (v) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 58.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial, etc.) District for property located at the south-west corner of Upper Sherman Avenue and Limeridge Road East.

The effect of the By-law is to permit the site to be developed with a retail variety store use and an accessory gas bar.

The Committee was in receipt of a letter from the Secretary of the Transport and Environment Committee dated 1988 June 1 respecting the GO Rail Study and indicating that the Transport and Environment Committee at its meeting held 1988 May 16 TOOK NO ACTION with respect to the Planning and Development Committee report on their recommendations that the GO Rail be located at the former T.H. & B. Station.

GO Rail Study

The Committee was also in receipt of a submission from the Hamilton & District Chamber of Commerce dated 1988 June 15 respecting the increased GO Train Service for Hamilton.

It was indicated by many members of the Committee that they would not discuss this matter in detail but rather discuss it on the Council floor and it was then moved by Alderman Ross, seconded by Alderman Cooke and carried to APPROVE the following:

- (a) That the terminus for GO Rail be relocated at the CP (former T. H. & B.) Station as soon as possible.
- (b) That the decision on the reconstruction of the Hunter Street tunnel be deferred until the growth in service warrants further examination;
- (c) That the CP station be developed as a multi-modal transport terminus and that the existing bus terminal be transferred to this station;
- (d) That the opening of the new terminus coincide with any improvement and/or changes to the HSR operations and the transferring of the existing bus terminal;
- (e) That the maximum GO Train frequency, including two-way service, be provided as soon as the new terminus is open and the operations be integrated with GO bus services;
- (f) That the Waterdown station be treated as a component of the initial project to provide commuter parking to serve the entire Region;
- (g) That the new terminus be developed as a mixed use development, including general purpose parking;
- (h) That, the new terminus be of a high quality design, and that the Urban Design Committee be requested to:
  - (i) review any proposed CP station development with participation by the public; and,
  - (ii) prepare guidelines for development in the area surrounding the CP station with participation by the public;
- (i) That every effort be made to retain and enhance the CP building as part of any development of the terminus;
- (j) That the Neighbourhood Associations and other interested groups participate in the process of identifying impacts and developing measures to mitigate adverse social and environmental impacts and enhance the social and physical environment, as part of the current study;
- (k) That the Central Area Plan Implementation Committee review this report and recommendations as further information is received and report back to the Planning and Development Committee.

NOTE: For the information of the members of City Council, the Transport and Environment Committee held a Public Meeting on the above recommendations on Monday, 1988 May 16th, and took NO ACTION.



Recorded vote: Yeas: Cooke, Christopherson, Ross, Smith.

Nays: McCulloch, Agostino, Hinkley.

The Committee was in receipt of a joint report from the Director of Local Planning and the Director of Property dated 1988 June 6 respecting the Cochren Construction lands at Greenhill Avenue (Gershorne Neighbourhood).

Cochren Construction  
lands at Greenhill  
Avenue.

Mr. D. Godley of the Planning Department outlined this report to the Committee.

General discussion then ensued on this matter with particular attention to whether City staff should be involved in facilitating negotiations between the Ontario Heritage Foundation and Cochren Construction on the purchase of this land.

It was then moved by Alderman Agostino, seconded by Alderman Ross and carried to APPROVE the following recommendation:

- (a) That the City of Hamilton NOT ACQUIRE the lands at Greenhill Avenue, Gershorne Neighbourhood (Cochren Construction Site), as outlined in a map attached hereto and marked APPENDIX "O", through 5 $\frac{1}{2}$  Parks Dedication or directly through gift for a tax receipt, and;
- (b) That the City of Hamilton request the owner of the subject lands to negotiate with the Province for funding the public acquisition.

NOTE: For the information of the members of City Council, staff have been directed to facilitate negotiations between the owners of these lands and the Province for the purpose of acquisition.

The Committee was in receipt of a memorandum from the Citizen's Advisory Committee, Corktown-Stinson (Ontario Neighbourhood Improvement Programme) dated 1988 June 15 expressing their concerns at the Improvement Programme and the Advisory Committee's participation in it.

Citizen's Advisory  
Committee - Corktown  
- Stinson (Ontario  
Neighbourhood  
Improvement Programme

Mr. David Cohen and several members of the Advisory Committee were in attendance to speak to the Planning and Development Committee on this matter.

The Committee was also in receipt of an Information Report from the Director of Community Development dated 1988 May 30 respecting this matter. The delegation expressed concern at the shortness of their involvement and input into this project and their dissatisfaction with the ultimate result of the expenditure of the funds.

Following a considerable amount of discussion it was agreed that a meeting be set up between all parties to work on the expenditure for the remaining funds. It was indicated that an amount of \$120,000. is still waiting to be assigned for work at Carter Park. It was also indicated that the bulk of the funds have already been tendered and construction has commenced on these works.

The Committee also agreed that at this meeting some general discussion be held on the list of on-going concerns that this Advisory Committee has and that there is a need for a Permanent Neighbourhood Association to be established to work on these on-going problems.

The Citizen's Advisory Committee, in their memo to the Planning and Development Committee, requested that they receive an accounting of the funds remaining as well as an accounting of what has been done to date with CNIP funds in the neighbourhood. It was AGREED that this information should be forwarded to the Citizen's Committee.



Adjournment

The Planning and Development Committee - 22 - Wednesday, 1988 June 15

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN  
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder  
Secretary  
1988 June 15





CA 4 ON HBL A05  
C51P4



E. A. SIMPSON  
CITY CLERK  
  
K. E. AVERY  
DEPUTY CITY CLERK

CITY HALL  
HAMILTON, ONTARIO  
L8N 3T4

## THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

1988, August 11

### NOTICE OF MEETING

Planning and Development Committee  
Wednesday, 1988 August 17th  
2:00 o'clock p.m.  
Room 233, City Hall

Susan K. Reeder  
Secretary

### A G E N D A

1. Minutes of the meetings held Wednesday, 1988 June 15th (evening session) and Wednesday, 1988 July 13th.

### BUILDING COMMISSIONER

2. Demolition Permit Applications.

### DIRECTOR OF COMMUNITY DEVELOPMENT

3. Designated Property Grant - 455 Bay Street North - (Private and Confidential).
4. 1987 Audited Statements and Annual Report - St. Matthew's House - Landsdale Neighbourhood Improvement Programme.
5. Commercial Facade Loan Programme - 417 Barton Street East.







MANAGER OF PURCHASING

6. Purchase of two ticket issuing machines - Community Development.

DIRECTOR OF PROPERTY

7. Purchase by the City - 409 Sherman Avenue North.
8. Release of Building Covenants - Dundurn Inn Ltd., - south west corner of York Boulevard and Dundurn Street North.
9. Release of Building Covenants - 70 Covington Street.
10. Lease Agreement - Hamilton Rail Station - Commuter Parking - "Go Transit" - Strachan Street East.

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

11. Application for Ministry of Culture and Communication Technical Consulting Service - 171 Forest Avenue.

BEACH IMPLEMENTATION COMMITTEE

12. Neighbourhood Plan Advisory Committee - Hamilton Beach.
13. Proposed Official Plan Amendment- Hamilton Beach.  
(a) Report - Director of Local Planning.

CITY SOLICITOR

14. Bill - Amendment to Zoning By-Law No. 6593 with respect to the definition of "Family".



DIRECTOR OF LOCAL PLANNING

15. Amendment to Zoning By-law 6593 - "Family" Definition.
16. Site Plan Control Application DA-87-107 - 12 Lotus Avenue.
17. Subdivision Application 86-20 - north of Rymal Road East, west of Upper Gage Avenue.
18. ITEM DELETED.
19. Project Proposal - Official Plan Conformity with the Niagara Escarpment Plan.
20. Publication of an Information Brochure - Student Housing Task Force recommendation.
21. Amended Zoning Application 88-24 - north-east corner of Upper Wentworth Street and Rymal Road East.
22. Official Plan Amendment No. 60 and Zoning Application 88-40 - 1379-1383 Upper James Street.  
  
(a) Letter of submission - Mr. R. Morris, 1452 Upper James Street.

ZONING APPLICATIONS

3:00 O'CLOCK P.M.

COUNCIL CHAMBERS

3:00 o'clock p.m.

23. Proposed land use designation changes within the Templemead Neighbourhood.
24. Subdivision Application 85-11 - east and north of proposed Independence Drive and Zoning Application 88-37 - west of Silverton Drive and north of Nina Court.
25. Zoning Application 88-44 - 866 Upper Paradise Road.
26. Amended Zoning Application 88-55 - 12 Ray Street South.





3:15 o'clock p.m.

- 27. Official Plan Amendment No. 63 and City Initiative 88-E. - west side of Centennial Parkway North, between the Q.E.W. and Confederation Drive.
- 28. City Initiative 88-H. -467 Beach Boulevard (Bell Cairn Memorial School.) - Report to follow.

3:30 o'clock p.m.

- 29. Zoning Application 88-09 - 17 Chipman Avenue.
- 30. Zoning Application 88-34 - 1000 Upper Gage Avenue.

3:45 o'clock p.m.

- 31. Zoning Application 88-41 - west side of Garth Street, area north of Rymal Road.
  - (a) Letter of submission - Mr. & Mrs. Di Renzo, 1550 Garth Street.
  - (b) Letter of submission - Mr. & Mrs. Ferguson, 85 McIntosh Avenue.

RENTAL HOUSING PROTECTION ACT APPLICATION

4:00 O'CLOCK P.M.

- 32. Renovation Application - 61 East Avenue South.
- 33. Other Business.
- 34. Adjournment.



Wednesday, 1988 June 15  
7:30 o'clock p.m.  
Council Chambers, City Hall

An evening session of the Planning and Development Committee was held.

There were present: Alderman J. Smith, Chairman  
Alderman D. Ross, Vice-Chairman  
Alderman B. Hinkley  
Alderman T. Cooke  
Alderman D. Christopherson  
Alderman W. McCulloch  
Alderman D. Agostino

Regrets: Mayor Robert M. Morrow - Civic business.

Also present: Alderman M. Kiss  
Mr. L. Harvey, Building Department  
Mr. D. Peters, Fire Department  
Ms. L. Lawrence, City Solicitor's Office  
Mr. Frank Westaway, City Noise Control Officer  
Mr. D. Barrow, Licencing Division  
Mr. V. Abraham, Director of Local Planning  
Ms. J. Hickey, Planning Department  
Mrs. Susan K. Reeder, Secretary

The Chairman introduced members of the Committee and welcomed those in attendance to this evening session of the Planning and Development Committee held for the purpose of receiving the recommendations of the Task Force on Student Housing.

Ms. J. Hickey of the Planning Department gave a general overview of the process of the Task Force with respect to the recommendations.

The Committee was in receipt of a submission from Mr. & Mrs. Hill, 36 Cline Avenue North outlining their views on the report of the Student Housing Task Force.

The Committee was in receipt of a letter from Ms. Zelda Rock dated 1988 June 13th outlining her comments on the Task Force recommendations. Ms. Rock spoke to the Committee on her submission. She spoke on the "Family" definition. Ms. Rock stressed that she sees a need for added staff for enforcement and is concerned at the lack of enforcement of City By-laws. Ms. Rock then made mention of a petition to Council asking for retention of the residential aspect of Westdale.

Mr. M. Cline, a 40 year resident of Westdale spoke to the Committee. He is concerned at the lack of enforcement of City's By-laws restricting 4 boarders and suggests that the City take a case to court. Mr. Cline added that he feels that the Westdale area is deteriorating by the number of Student Housing in this area and that property values are being lowered. He congratulated Alderman Cooke on the recommendations and hard work of the Task Force but is concerned that they will not be enforced. Mr. Cline added that he feels that pressure should be put on McMaster University to provide Student Housing.

Ms. Suzan Fraser, President of the McMaster's Student Union spoke to the Committee. She indicated that she is concerned at the "Family" definition and a proposed exclusionary by-law. She feels that the amendment to number students to a house will not address the noise, maintenance, etc. She feels that an exclusionary clause will increase speculative landlords, i.e. 5 only. Therefore there will be an extra need for accommodation. She added that Queen's Park is presently contemplating disallowing exclusionary by-laws.

Recommendations -  
Task Force on  
Student Housing.

Overview.

Mr. & Mrs. Hill,  
36 Cline N.

Ms. Zelda Rock

Mr. M. Cline

Ms. Suzan Fraser,  
President,  
McMaster's Student  
Union.



Ms. Fraser indicated that she feels that the problem is not felt only in Westdale but in other areas of the City. She added that the McMaster Student's Union has provided a Guide for Rental Units, Education for Students on Housing, and Students Rights in Housing. She indicated that the City should enforce its existing by-laws, i.e. property standards and encourages education to students on housing not legislation. The Committee was in receipt of a presentation from her on behalf of the McMaster Student's Union dated 1988 June 15th.

resident  
presentation

A resident of Westdale spoke to the Committee and indicated that he feels there is a need for enforcing the current by-laws, i.e. property standards, parking requirements, etc. He added that McMaster University should be providing units for students and that students who have families in Hamilton should not be renting units on McMaster Campus.

resident -  
Westdale.

A resident of Westdale spoke to the Committee and discussed the problems he sees in the area. He expressed concern that there is no supervision in student housing and that speculators do not care about property maintenance, community impact, etc. He added that people are selling their homes in the vicinity of these students houses. He further added that enforcement is needed by the City on their by-laws and that speculators are making large profits. He added that purchasers of homes for the purpose of speculating on student housing should be checked for their intended use of the property.

Ms. R. Horvath,  
resident of  
Westdale.

Ms. Rosemary Horvath, a former student of McMaster University and a Westdale resident spoke to the Committee. She feels that students should not be discriminated against and that her parents have housed students for a number of years and have not experienced difficulties. She added that homes singly owned can be poorly maintained just as much as homes lived in by students. She indicated that by renting out rooms in their home they were able to purchase their first house. She added that she disagrees with the aspect of supervision and questions who would set the standards. She added that students and landlords are adults and that landowners are purchasing homes for profits.

Ms. M. Campbell,  
resident of  
Westdale.

Ms. Mary Campbell, a Westdale resident spoke to the Committee and supported people renting rooms in their homes to students. She added that students have a right to affordable housing. She indicated that many Westdale residents are long term residents and thus are resisting change. She indicated that she does not agree with the number of limitations to 5 and questioned who would determine that number. Ms. Campbell also expressed concern that people are renting small areas in their homes, i.e. large cupboards, basements, etc. to students because they can make \$250. to \$300. a month per student and could not get that much if they were renting to a family. She added that a great deal of the green space at McMaster University belongs to the Conservation Authority and that McMaster's hands are tied in its use. She added that the Westdale's residents have all of their collateral in their homes and are concerned at the threat of decreased value. Ms. Campbell further added that she feels that the City should be restricting the speculators purchasing homes for the purpose of putting as many students as possible into them.

Mrs. Fitzsimmon,  
Haddon Avenue.

Mrs. Fitzsimmon, of Haddon Avenue questioned the definition of "Family" and the difficulty in determining this. She added that a large number of people in a home is not a healthy environment. She cited that Toronto has a 6 month exclusionary by-law enacted and that Municipalities should fight for this for the right to have these by-laws. Mrs. Fitzsimmon also questioned why homes prior to 1940 can be split without requirements into multi-units dwellings and feels that this should be changed. She added that McMaster University should be providing increased units for students and asked the City for protection against the influx of speculators purchasing homes and cramming them with students.

Mrs. S. Hill,  
36 Cline Avenue.

Mrs. Sandy Hill, 36 Cline Avenue spoke to the Committee and read from her submission which was then handed to the Secretary. She indicated that they carefully selected Westdale as their desired area to purchase in and hopes that the problems being encountered due to the influx of student housing is not being put on the shelf.

Dr. Evans, of McMaster University spoke to the Committee and expressed frustration that McMaster has already taken initiatives and that the Municipality now needs to take action as well.

The Committee was also in receipt of a letter from Mrs. Marlene Gibson, 91 Haddon Avenue North with respect to the recommendations of the Task Force.

The Committee was in receipt of the report from the Secretary of the Task Force on Student Housing dated 1988 May 9th respecting the final recommendations from the Student Housing Task Force.

The Committee was also in receipt of a report from the Commissioner of Planning and Development dated 1988 June 9 respecting the comments from both City and Regional Departments respecting the final recommendations of the Student Housing Task Force.

The Committee was in receipt of a report from the Building Commissioner dated 1988 June 8 respecting their department's response to the final recommendations from the Student Housing Task Force.

The Committee was in receipt of an Information Report from the City Treasurer dated 1988 June 14th respecting addition staff for the building department related to recommendations of the Student Housing Task Force.

Ms. J. Hickey of the Planning Department outlined each recommendation from the Student Housing Task Force with the comments of staff.

Following considerable discussion on these recommendations in order, as well as questions to staff the Committee approved the following:

- (a) That the City of Hamilton request McMaster University and the Students' Union to establish a permanent Housing Committee (composed of City representatives, students, University administrators, landlords and residents) to review data on student housing, and address any problems related to student housing and other pertinent issues.
- (b) That the Housing Committee develop a brochure for those students residing in the community in off-campus housing and develop ways to educate and to inform those students as to the nature of the community and expected standard of behaviour.
- (c) That the City of Hamilton take the necessary steps to allow City Officials to enforce the Zoning By-law, Property Standards By-law, Backyard By-law, Licensing By-law (Lodging Home), etc., under the Provincial Offences Act; BY TICKETING offending persons in an effort to increase effectiveness of enforcement.
- (d) That the permanent Housing Committee meet with the Transportation Services Committee to review the transportation needs of the student with a view to improving service access in the Region.
- (e) That the Police and By-law Enforcement Officers continue to be a visible force to attend to potential problem situations, especially during McMaster's peak student entertainment activities such as orientation, homecoming, etc.
- (f) That the Municipal (Hamilton) Non-Profit Housing Corporation approach McMaster University and the Students' Union with a view to forming a co-operative, to provide student housing with Provincial government monies.

Dr. Evans,  
McMaster University.

Submission -  
Mrs. M. Gibson  
91 Haddon N.

Task Force  
recommendations.

Report -  
Planning  
Commissioner.

Report -  
Building  
Commissioner.

Report -  
City Treasurer.

Overview.



- (g) That the City of Hamilton fully investigate the feasibility of defraying the costs associated with the construction of University and/or Student Union sponsored housing.
- (h) That the Regional Planning and Economic Development Committee be requested to prepare a map identifying all higher density areas within the Region which are suitably zoned for the construction of multiple student accommodation, for the purpose of assisting developers.
- (i) That McMaster University be encouraged to actively pursue the development and provision of additional on and/or off-campus housing, and that McMaster University and the Students' Union approach the Provincial and/or Federal governments with a view to obtaining funding for student housing either within existing financial programs or newly created ones.
- (j) That McMaster University be encouraged to analyse that the entrance to on-campus residence accommodation take into account the permanent residence of the student, as well as his/her academic standing. Students whose principal residence is in the immediate Hamilton-Wentworth area should be given a lesser priority.
- (k) That notwithstanding Section (j) above, that every possible effort be encouraged by McMaster University to ensure freshman admission to residence if that is the type of accommodations they prefer, regardless of the site of their primary residence.
- (l) That McMaster University be encouraged to assess its housing policies so that its code of behaviour for residents continue to be rigorously and consistently enforced.
- (m) That McMaster University be encouraged to make use of resource groups such as The Lady Hamiltons, The Chamber of Commerce and The Regional Tourism Associations, etc. during Orientation Week to assist in acclimatizing students and their families to living in Hamilton. McMaster University could continue to utilize these volunteers in an on-going ad hoc basis, whenever their expertise would be beneficial.
- (n) That consideration be given to McMaster University, the Students' Union and residents forming a Committee to welcome students into the Westdale/West Hamilton Community in the Fall.
- (o) That the building of off-campus co-operative apartments or buildings erected by private enterprise be encouraged in areas where it is suitably zoned.

NOTE: For the information of the members of City Council, the Planning and Development Committee agreed to TABLE a recommendation from the Student Housing Task Force, to define "family" and pass an exclusionary by-law based on this definition. As the exclusionary by-laws currently in place in Waterloo and London are being challenged in the courts, the Committee agreed that it would be premature for the City of Hamilton to enact a similar by-law before the court decisions respecting these by-laws has been made. The City Solicitor will advise the Planning and Development Committee immediately once a court decision has been made in either of these cases in order that this matter can be lifted from the table.

The Planning and Development Committee TABLED a Task Force recommendation to review the discrepancy between pre and post 1940 houses whereby a pre 1940 house can be converted to add more dwelling units provided they meet a number of criteria. The City has been given Provincial funding to study the issue of "Housing Intensification". The study is tentatively scheduled to begin at the end of 1988, and will be included in the 1989 Work Programme of the Planning Department. The Committee has urged a speedy completion of this Study.

Staff have been requested to provide a report to the Planning and Development Committee on the costing and time factor involved in producing an information brochure in conjunction with McMaster University and possible Corporate funding on the "Good Neighbour" concept of Student housing.

The Planning and Development Committee TABLED a recommendation of the Task Force that the City of Hamilton in conjunction with McMaster University and the Students' Union lobby Queen's Park to modify rent controls so as to encourage and increase the stock of multiple rental housing. The Committee, at a future meeting, will be considering the establishment of an Advisory Committee to study the issue of rent controls.

There being no further business, the meeting then adjourned.

Adjournment.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN  
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder  
Secretary  
1988 June 15





Wednesday, 1988 July 13  
2:00 o'clock p.m.  
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman  
Alderman D. Ross, Vice-Chairman  
Mayor R. Morrow  
Alderman T. Cooke  
Alderman D. Christopherson  
Alderman D. Agostino  
Alderman H. Merling

Also present: Mr. V. Abraham, Director of Local Planning  
Mr. P. Mallard, Planning Department  
Mr. L. King, Building Department  
Mr. H. Harvey, Building Department  
Mr. M. Watson, Real Estate Division  
Mr. J. Robinson, Community Development Department  
Mr. P. Hooker, City Solicitor's Department  
Mr. K. Brenner, Regional Engineering  
Ms. M. German, Building Department  
Mr. R. Prowse, Acting Secretary

Regrets: Alderman W. McCulloch  
Alderman B. Hinkley (Vacation)

The minutes of the Wednesday, June 8th and Wednesday, June 15th 1988 meetings of the Planning and Development Committee were ADOPTED as circulated.

With respect to an item dealing with the Conference on Housing Options for Older Canadians, it was moved by Alderman Christopherson, seconded by Mayor Morrow:

That two members of the Planning and Development Committee, one representative from the Seniors Council and one staff member be authorized to attend the Conference on Housing Options for Older Canadians sponsored by the Canada Mortgage and Housing Corporation to be held 1988 October 18-20 in Halifax, Nova Scotia.

NOTE: The Seniors Council representative's expenses to be charged to account 0321-0291 - Legislative Travelling.

With respect to an item dealing with a decision of The Committee of Adjustment relevant to 1488-1490 Barton Street East, it was moved by Alderman Christopherson, seconded by Alderman Agostino:

That the City Solicitor be authorized to defend the decision of the Committee of Adjustment at an appeal hearing with the Ontario Municipal Board. This item was LOST.

With respect to an item dealing with the Battleridge Subdivision - Grading, it was moved by Alderman Agostino, seconded by Alderman Cooke:

That the City Solicitor be instructed to consent to the dismissal of the City's action against the Subdivider also involving the Landowners on the basis that no court costs be payable by any party involving Battleridge Subdivision - Phase I, Plan 62M-336.

NOTE: The Subdivision was registered in 1982. Improper grading appears to have been done by the Landowners rather than the original Subdivider and for this reason no further action is required.

With respect to an item dealing with fees charged by the City for zoning changes, it was moved by Alderman Agostino, seconded by Alderman Christopherson:

That staff be directed to come back to the Committee with a report reviewing zoning application fees and the costs associated with the processing of these applications. CARRIED.

NOTE: It was understood that included in the report would be proposed options. CARRIED.

Minutes - 1988 June  
1988 June 15.

Conference on Housing  
Options for Older  
Canadians - 1988  
October 18-20,  
Halifax, Nova Scotia

Committee of  
Adjustment decision  
1488-1490 Barton E.

Grading -  
Battleridge  
Subdivision.

Fees - Zoning  
Changes.

Demolition Permit  
Applications.

The Committee APPROVED the following recommendation of the Building Commissioner respecting demolition permits:

That the Building Commissioner be authorized to issue demolition permits for the demolition of the following properties:

- (a) 270 Stone Church Road East
- (b) 255 Mount Albion Road
- (c) 1515 Upper Gage Avenue
- (d) 85 Delaware Avenue
- (f) 100 Wentworth Street North

It was further moved by Alderman Cooke, seconded by Alderman Ross:

That the demolition permit for 2825 King Street East BE DENIED.

NOTE: It was agreed by the Committee that because of the unusual circumstances surrounding the demolition of 2825 King Steep East, the following steps would be taken:

- (a) That the owner be contacted to determine his role in the demolition and that the police be requested to investigate the demolition, and
- (b) That the City Solicitor's office be asked for their opinion as to whether or not the City may withhold the Building permit
- (c) That the development be held back until this matter is resolved.

NOTE: Alderman Merling indicated that he wished to be recorded as opposed to involving the Police in an investigation. CARRIED.

Second Level  
Lodging House By-  
law - Inspection  
and Enforcement.

An item respecting Second Level Lodging House By-law - Inspection and Enforcement by the Building Department, Implementation of Government Funding Programme, was TABLED.

At this point the Committee adjourned to discuss zoning applications and planning matters.

ZA-83-45 - south-  
east corner of  
Upper Sherman  
Avenue and Stone  
Church Road East,  
and 1411 Upper  
Sherman Avenue and  
688 Stone Church  
Road East.

The Committee was in receipt of a report from the Commissioner of Planning dated June 20, 1988 respecting a request for a change in zoning for property located at the south-east corner of Upper Sherman Avenue and Stone Church Road East and lands municipally known as No. 1411 Upper Sherman Avenue and No. 688 Stone Church Road East.

Report of circularization was given as follows:

62 notices sent      9 in favour      7 opposed

Ms. Ivy Broman, 1409, 1433 Upper Sherman Avenue appeared before the Committee to express her opposition to the 6 foot barriers at the service centre. She indicated that she has just paid \$13 000 to connect the sewers in this area and she was opposed to a Shopping Plaza being erected in this location.

Mr. Rosart of Rosart Properties Inc. advised the Committee that he felt the 20 foot strip to be constructed as a buffer zone was an inordinate requirement but was prepared to comply.

It was moved by Alderman Merling, seconded by Alderman Agostino that this item be TABLED to the next meeting and that staff be directed to meet with the applicant to discuss the proposed usage. This item was LOST.

It was further moved by Alderman Cooke and seconded by Alderman Christopherson:

That APPROVAL be given to Zoning Application 83-45, Sunoco Inc., owner, Rosart Properties Inc., agent, for a change in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "G-1" (Designed Shopping Centre District), for lands located at the south-east corner of Upper Sherman Avenue and Stone Church Road East, and lands municipally known as No. 1411 Upper Sherman Avenue and No. 688 Stone Church Road East, as shown on the attached map marked as APPENDIX "F", on the following basis:

- (a) That the lands described as Block 1 be rezoned from "AA" (Agricultural) District to "G-1" (Designed Shopping Centre) District;
- (b) That the lands described as Block 2 be rezoned from "C" (Urban Protected Residential, etc.) District to "G-1" (Designed Shopping Centre) District;
- (c) That the "G-1" (Designed Shopping Centre) District regulations as contained in Section 13A of Zoning By-law No. 6593 applicable to the lands described as Blocks 1 and 2, be modified to include the following variance as a special requirement:

That a 6.0m (19.69 ft.) wide landscaped planting strip and a 1.2m (3 ft.) to 2.0m (6.56 ft.) high visual barrier be established along and within the easterly and southerly limits of the "G-1" (Designed Shopping Centre) District (Blocks 1 and 2) adjoining a residential district.

- (d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1086, and that the subject lands on Zoning District Map E-38C be notated S-1086;
- (e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38C;
- (f) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The effect of the By-law is to permit development of the subject lands for a shopping centre and a self-serve gas bar. CARRIED.

NOTE: Alderman Merling indicated he wished to be recorded as opposed to this motion.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated June 20, 1988 respecting Zoning Application 87-82 for the property at Nos. 60-62 West Avenue South.

ZA 87-82 - 60-62  
West Avenue South.

The report of circularization was given as follows:

378 notices sent	15 in favour	8 opposed
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The Committee APPROVED the following:

That APPROVAL be given to Zoning Application 87-82, Gwynette Seymour and Frederick Seymour, owners, requesting a further modification to the established "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations for property at Nos. 60-62 West Avenue South, as shown on the attached map marked as APPENDIX "G", on the following basis:



- (a) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of the Zoning By-law No. 6593 as amended by By-law 83-61 passed by City Council on 1983 February 22, applicable to the subject lands be further amended to include the following variances as special provisions:
- i That Section 1.(a) of By-law No. 83-61 be amended by deleting the following wording after the word "that" in the third line; "twelve residents of at least 60 years of age", and substitute the following new wording, "twenty residents".
  - ii That Section 1.(c) of By-law No. 83-61 be amended by deleting the following word after the word "that" in the first line "four", and substitute the following new word "six".
  - iii That a new Section 1.(d) be introduced which reads as follows:  
  
Notwithstanding Section 18A.(9) of Zoning By-law No. 6593, the required maneuvering area for the required six parking spaces may be located off the site.
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-810a, and that the subject lands on zoning District Map E-14 be notated S-810a;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-14;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

ZA 88-12 - 401  
Rymal Road East.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated June 30, 1988 respecting Zoning Application 88-12 for the property municipally known as No. 401 Rymal Road East.

The report of circularization was given as follows:

17 notices sent            3 in favour            1 opposed

Mr. and Mrs. Stewart of 478 Rymal Road East appeared before the Committee and expressed their concern about townhouse and multiple family development in an already overcrowded area. They further advised that schools are already overcrowded and approval of the zoning application would only worsen the overcrowding. They indicated that it would be more appropriate for Commercial developments (G-1).

Alderman Merling indicated that he was in favour of restricted G-1 which would exclude fast-food and "roadhouse" type restaurant development.

Mr. Parenti and Mr. Louis Serafini, the applicants, were also present.

After considerable discussion it was moved by Alderman Agostino, seconded by Alderman Merling:

- (a) That APPROVAL be given to Official Plan Amendment No. 59 to redesignate from "Residential" to "Commercial" and to establish a "Special Policy Area" for property located at the north-west corner of Rymal Road East and Upper Wentworth Street, municipally known as No. 401 Rymal Road East, and that the City Solicitor be directed to prepare a By-law to adopt the Official Plan Amendment for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That APPROVAL be given to an amended Zoning Application 88-12, Wentwal Developments Ltd., owner, requesting changes in zoning to permit the development of lands located at the north-west corner of Rymal Road East and Upper Wentworth Street, municipally known as No. 401 Rymal Road East, for townhouses (Blocks "2" and "3"), apartments (Block "4"), a commercial plaza (Block "5") and to establish the appropriate zoning for the existing dwelling (Block "1"), as shown on the attached map marked as APPENDIX "H", on the following basis:
- i That Block "1" be rezoned from "AA" (Agricultural) District to "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District.
  - ii That Block "2" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District.
  - iii That Block "3" be rezoned from "AA" (Agricultural) District to "RT-30" (Street-Townhouse) District.
  - iv That Block "4" be rezoned from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District.
  - v That Block "5" be rezoned from "AA" (Agricultural) District to "G-1" (Designed Shopping Centre) District.
  - vi That the "G-1" (Designed Shopping Centre) District regulations as contained in Section 13A of Zoning By-law No. 6593 applicable to Block "5", be modified to include the following variance as a special requirement:

Notwithstanding Section 13A (1) of Zoning By-law 6593 the following Commercial Uses shall be prohibited:

    - a restaurant or refreshment room;
    - a manual car wash,
    - a mechanical car wash,
    - a coin-operated car wash,
    - a high-speed mechanical car wash; and,
    - an automobile service station.
  - vii That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1087, and that the subject lands on Zoning District Map E-18E be notated S-1087;
  - viii That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18E;
  - ix That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon receiving the approval of Official Plan Amendment No. 58 from the Regional Municipality of Hamilton-Wentworth.
  - x That the Barnstown Neighbourhood Plan be amended by appropriately redesignating Blocks 1, 2, 3 and 5. CARRIED.

ZA 88-30 -  
1515, 1523 Upper  
Upper Gage Ave.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated May 20, 1988 respecting a Zoning Application 88-30 for property being part of No. 1515 and No. 1523 Upper Gage Avenue.

The report of circularization was given as follows:

34 notices sent            2 in favour            4 opposed

The Committee APPROVED the following:

That APPROVAL be given to Zoning Application 88-30, Stanley Kasprzak, prospective owner, for a change in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse and Maisonette) District, for property being part of No. 1515 and No. 1523 Upper Gage Avenue as shown on the attached map marked as APPENDIX "I", on the following basis:

- (a) That the lands described as Block 1 be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse and Maisonette) District;
- (b) That the lands described as Block 2 be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse and Maisonette) District;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49D.
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

ZA 88-33 - 739  
Stone Church Road  
West.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated June 17, 1988 respecting Zoning Application 88-33 for the property located at 739 Stone Church Road West.

The report of circularization was given as follows:

126 notices sent            5 in favour            1 opposed

The Committee APPROVED the following:

That APPROVAL be given to Zoning Application 88-33, F. and C. Cimino, owners, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the development of a vacant lot for a single family dwelling, for the property located at No. 739 Stone Church Road West, as shown on the attached map marked as APPENDIX "J", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-37c;
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.



The Committee was in receipt of a report from the Commissioner of Planning and Development dated June 15, 1988 respecting Zoning Application 88-36 for the property on the east side of West 5th Street in the area south of Stone Church Road West; Mewburn Neighbourhood.

ZA 88-36 - east side of West 5th Street in the area south of Stone Church Road West.

The report of circularization was given as follows:

61 notices sent            2 in favour            11 opposed

Mrs. Mary Dixon of 111 Stone Church Road West, owner of 1428 Upper James Street appeared before the Committee to indicate that she was opposed to high density housing in this area because it was inconsistent with the neighbourhood plan.

Mr. Finocchio, the applicant, advised the Committee that there would be no townhousing development in this area and stated that a 9 storey height restriction would be observed. He agreed to conserve open space and the trees in the area.

The Committee APPROVED the following:

That Zoning Application 88-36, Emelio Mascia and Mary Finocchio, owners, requesting a change in zoning from the "AA" (Agricultural) District to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, to permit multiple family development on property surrounding No. 1073 West Fifth Street, as shown on the attached map marked as APPENDIX "K", BE DENIED for the following reasons:

- (a) The proposed multiple family development conflicts with the intent of the approved Mewburn Neighbourhood Plan which designates the subject lands for "Single and Double Residential" use.
- (b) It would set a precedent for future similar applications.
- (c) It would be incompatible with existing and future intended uses in the surrounding area.

The Committee was in receipt of a report from the Commissioner of Planning and Development respecting a Zoning Application 88-40 for properties at Nos. 1379-1383 Upper James Street.

ZA 88-40 - 1379-1383 Upper James St.

The report of circularization was given as follows:

38 notices sent            2 in favour            3 opposed

Marilyn and Robert Smith of 1375 Upper James Street submitted a letter dated July 8th, 1988, which outlined their opposition to the rezoning of 1379 and 1383 Upper James Street.

They stated that they were opposing the application on the grounds that not enough detailed information has been included in the proposal by the developer, J. and A. Riccio, to the City to ensure that it complies with the Ryckmans Neighbourhood Official Plan.

After considerable discussion it was moved by Alderman Christopherson, seconded by Alderman Merling that this item be TABLED for one month and that staff be directed to meet with the applicant and the objectors and report back to the Committee. CARRIED.

As this was the last of the zoning applications, the Committee reconvened in general session.



Purchase - Light  
Fixtures -  
Downtown Hamilton  
Action Plan  
Phase V.

The Committee APPROVED the following recommendation of the Manager of Purchasing respecting the Downtown Action Plan Phase V Light Fixtures:

That purchase orders be issued for the supply and delivery of Downtown Hamilton Action Plan Phase V Light Fixtures for the Community Development Department, in accordance with specifications issued by the Manager of Purchasing and Vendors' tenders, as follows:

Moldcast, Mississauga  
In the amount of \$154 008

Prescolite, Mississauga  
In the amount of \$ 21 600

NOTE: The above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council".

Only tenders received. Funds provided in James Street North Streetscape, Light Fixtures Account #0405-A82018.

Designation  
Property Grant -  
51 Stuart Street  
(Custom House)

The Committee APPROVED the following recommendation of the Director of Community Development respecting the City of Hamilton Heritage Programme at 51 Stuart Street (Custom House):

That the Department of Community Development be directed to process a Designated Property Grant in the amount of \$3000 to Mr. Donald Warrenner, owner of Custom House, 51 Stuart Street.

O.H.R.P. loan -  
86 Keith Street.

The Committee was in receipt of a Private and Confidential Report respecting an Ontario Home Renewal Programme for 86 Keith Street and APPROVED the following recommendation:

That the total outstanding O.H.R.P. loan for the Estate of Mrs. Clara M. Stewart, 86 Keith Street, in the amount of \$1994.10, be placed on the Tax Rolls.

Commercial  
Facade Loan -  
7 & 11 Mary Street.

The Committee APPROVED the following recommendation of the Director of Community Development respecting the Commercial Facade Loan Programme - 7 & 11 Mary Street:

That a loan increase for a Commercial Facade, in the amount of \$911 BE APPROVED for Mr. Mark Maltman, owner of 7 & 11 Mary Street.

NOTE: The interest rate will be 4.5 percent, amortized over 10 years. The total loan would now be \$19 811.

Commercial  
Facade Loan -  
66 Ottawa Street  
North.

The Committee APPROVED the following recommendation of the Director of Community Development respecting the Commercial Facade Loan Programme - 66 Ottawa Street North:

That a Commercial Facade Loan in the amount of \$15 000 BE APPROVED for The Hamilton Young Womens' Christian Association, owners of 66 Ottawa Street North.

NOTE: The interest rate will be 4.5 percent, amortized over 10 years.

The Committee APPROVED the following recommendation of the Commissioner of Engineering respecting Appleridge Estates, Hamilton (Cash payment in lieu of 5% Parkland dedication):

Cash payment for  
Parkland -  
Appleridge Estates.

That the City of Hamilton accept the sum of \$9 360 as cash payment in lieu of 5% dedication in connection with "Appleridge Estates", Hamilton, this being the cash requirement under Section 50 of The Planning Act.

NOTE: These lands are located west of Upper Sherman Avenue and north of Stone Church Road in the Rushdale Neighbourhood, Hamilton.

The Committee APPROVED the following recommendation of the Commissioner of Engineering in a report dated July 4, 1988 - File No. E200-03, respecting the Drainage By-Law:

Drainage By-Law.

That the Drainage By-Law amendment to By-Law 88-09 attached hereto and marked APPENDIX "A", BE APPROVED.

NOTE: The By-Law implements the decision of Council taken on 1988 February 9 and further amends the effective date by two (2) weeks for requiring roof leader connections.

An item respecting a Modified Subdivision Agreement for the south-west corner of Upper Gage Avenue and Rymal Road, Hamilton, was TABLED by the Committee.

Modified Subdivision  
Agreement - Upper  
Gage and Rymal Road.

The Committee APPROVED the following recommendation of the Director of Property respecting the Extension of Construction Covenants for Lots 2 and 3, Plan M-352-Rymal Road East for Ontario Auto Collision Limited:

Extension of  
Construction  
Covenants - Ontario  
Auto Collision Ltd.

That the City Solicitor BE AUTHORIZED TO AMEND the deed on Lots 2 and 3, Plan M-352, Deeds 212642 L.T. and 212804 L.T., respectively to Ontario Auto Collision Limited as follows:

- (a) That the time for commencement of the construction of buildings of 5,000 square feet be extended to 1988 September 30, and the time for completion of the building be extended to 1988 December 30.
- (b) That the City agree to the request of Ontario Auto Collision Limited that it be permitted to transfer Lot 2 and Lot 3, Plan M-352 to G.N.A.F. Land Group Inc. a company controlled by the owners of Ontario Auto Collision Limited.
- (c) That the Mayor and City Clerk be authorized to execute the required documents.

The Committee APPROVED the following recommendation of the Director of Property respecting the Sale of Parts 3 and 4, Plan 62R-5200 - Stone Church Industrial Park Anchor Road to Sam, Peter and Morris Mercanti:

Sale of City  
land - Anchor Road.

That an Offer to Purchase the lands of The Corporation of the City of Hamilton, Parts 3 and 4, Plan 62R-5200, Stone Church Industrial Park located on Anchor Road, duly executed on 1988 June 17 by the Purchasers, Sam Mercanti, Peter Mercanti and Morris Mercanti and scheduled for closing on 1988 November 24, BE APPROVED AND COMPLETED.

NOTE: The purchase price is \$82 512. A deposit cheque in the amount of \$4 125. is being held by the City Treasurer pending Council approval.

The property is composed of a parcel of land located on the western limit of Anchor Road, having a frontage of 63.565 metres (208.54 feet) by a depth of 77.77 metres/70.134 metres (255.15 feet/230.09 feet) and containing an area of 6678.3 metres squared (1.6502 acres).

This transaction includes special building covenants, agreements and restrictions which are set out on the pages attached hereto and marked APPENDIX "B".

Subdivision  
Application 88-06 -  
west of Upper Gage  
and north of  
Rymal Road East.

The Committee APPROVED the following recommendation of the Commissioner of Planning and Development respecting the proposed draft plan of subdivision for Clark Manor:

- (a) That APPROVAL be given to Subdivision Application 88-06, "Clark Manor", H. C. Harnden, owner, to establish a draft plan of subdivision west of Upper Gage Avenue and north of Rymal Road East, subject to the following conditions:
- i That this approval apply to the plan prepared by S. W. Woods Inc., dated 1988 February 2, revised by a change to the lot line between Lots 4 and 5 and showing 5 lots, two blocks (Blocks "6" and "7") for development with adjacent lands, one block (Block "8") for future development and one block (Block "9") as a road widening.
  - ii That the street and the street widening (Block "9") be dedicated as public highways on the final plan.
  - iii That the street be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
  - iv That the final plan conform with the Zoning By-law approved under The Planning Act.
  - v That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
  - vi That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
  - vii That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
  - viii That Blocks "6" and "7" be developed only in conjunction with abutting lands.
  - ix That Eaglewood Drive be established to its full width prior to or in conjunction with the development of this plan of subdivision.
  - x That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
  - xi That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (b) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this Application (SA-88-06), H. C. Harnden, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.



The Committee APPROVED the following recommendation of the Commissioner of Planning and Development respecting the proposed draft plan of subdivision for Rita Avenue:

Subdivision  
Application 88-09 -  
east of Upper Gage  
and south of  
Stone Church Road.

- (a) That APPROVAL be given to Subdivision Application 88-09, "Rita Avenue", Duarte Holdings, owner, to establish a draft plan of subdivision east of Upper Gage Avenue and south of Stone Church Road, subject to the following conditions:
- i That this approval apply to the plan prepared by A. J. Clarke and Associates, dated 1988 March 15 showing 24 lots and one Block (Block "25") for future multiple housing development and Block "26" as a 0.3m reserve.
  - ii That the streets be dedicated as public highways on the final plan.
  - iii That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
  - iv That the final plan conform with the Zoning By-law approved under The Planning Act.
  - v That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
  - vi That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
  - vii That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
  - viii That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
  - ix That Templemead Drive be established to its full width prior to or in conjunction with the development of this plan of subdivision.
  - x That Block "26" be conveyed to the City of Hamilton as a 0.3m reserve.
  - xi That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (b) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this Application (SA-88-09), Duarte Holdings, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.



Amendment to  
Plan of Subdivision  
- north of Rymal  
Road East, and  
east of Upper James.

The Committee APPROVED the following recommendation of the Commissioner of Planning and Development respecting a request to amend the proposed plan of subdivision of the lands comprising 9.163 ha. located north of Rymal Road East and east of Upper James Street in the Ryckmans Neighbourhood:

That Section 13 of the Fifth Report of the Planning and Development Committee as approved by the City of Hamilton Council on 1988 March 8, respecting a proposed plan of subdivision of 9.163 ha. of land located north of Rymal Road East and east of Upper James Street in the Ryckmans Neighbourhood, BE REPEALED.

- (a) That APPROVAL be given to amend Subdivision Application 87-24, 491719 Ontario Ltd. and 663921 Ontario Ltd., owners, respecting a proposed plan of subdivision of 9.163 ha. of land located north of Rymal Road East and east of Upper James Street in the Ryckmans Neighbourhood, subject to the following conditions:
- i That this approval apply to the plan prepared by Higgins Engineering Limited, dated 1987 April 6, revised to show 73 lots, seven blocks for development with adjacent lands, three 0.3m reserves, one block as a cemetery, and one block for a walkway.
  - ii That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
  - iii That the final plan conform with the Zoning By-law approved under The Planning Act.
  - iv That the owners make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
  - v That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
  - vi That the owners provide the City of Hamilton with a certified list showing the net area and width of each lot on the final plan.
  - vii That Roads One, Two, and Four conform to the trunk sewer easement within the plan.
  - viii That Road One is to be established to its full width prior to or in conjunction with the plan.
  - ix That the owner is to purchase from the Regional Municipality lands known as Part 2, Reference Plan 62R-7100 and incorporate these lands in the final plan.
  - x That the centreline radii of all streets within the plan must have a 110 metre radius.
  - xi That prior to the availability of the extension of sewers from the east, Lots 1 to 33 and Blocks "76" and "77" cannot be developed.
  - xii That the centreline of Street Three must align with the centreline of Street "G" as shown on the draft approved plan of "Di Cenzo Gardens", Regional File No. 25T-86008.
  - xiii That Blocks "74", "75", "76", "77", "79", "80" and "84" inclusive be developed only in conjunction with adjacent lands.

- xiv That Blocks "81", "82", "83", and "85" created by this plan as 0.3m reserves be conveyed to the City of Hamilton.
  - xv That a daylight triangle and an 86-foot road be established to its full width, as the midblock collector street north of the commercial block, prior to or in conjunction with this plan.
  - xvi That the owners shall erect a sign in accordance with Section XI of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
  - xvii That the owners agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (b) That a subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this Application (SA-87-24, 491719 Ontario Limited, and 663921 Ontario Limited, owners, proposed draft of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

NOTE: Aldermen Agostino and Merling wish to be recorded as being opposed to this motion.

The Committee APPROVED the recommendations of the Commissioner of Planning and Development respecting the following Appeals to the Ontario Municipal Board against decisions of the Committee of Adjustment:

- (a) That a staff member from the City Solicitors Department and other staff as required be directed to attend the Ontario Municipal Board Hearing to be held 1988 July 28, to defend the City's interest in the matter of an appeal to the O.M.B. by 714799 Ontario Limited, 554 James Street North, from a decision of the Committee of Adjustment (Application A-88-40) whereby the Committee denied the variances to establish a patio within the road allowance.
- (b) That a staff member from the City Solicitors Department and other staff as required be directed to attend the Ontario Municipal Board Hearing 1988 July 28 to defend the City's interest in the matter of an appeal to the O.M.B. by Nick Lapceovich, 229 Strathearne Avenue, from a decision of the Committee of Adjustment (Application A-88-74) whereby the Committee denied variances to permit the existing dwelling and future single family dwelling to be located on substandard sized lots.

Appeals - Ontario  
Municipal Board -  
decisions of the  
Committee of  
Adjustment.

- (c) That a staff member from the City Solicitors Department and other staff as required be directed to attend the Ontario Municipal Board Hearing to be held 1988 July 29 to defend the City's interest in the matter of an appeal to the O.M.B. by Gertrude Waldbroel, 190 Delaware Avenue, from a decision of the Committee of Adjustment (Application A-88-50) whereby the Committee denied the increase in the number of residents in a legal non-conforming residential care facility from 9 to 18 with no provision for additional parking spaces.
- (d) That a staff member from the City Solicitors Department and other staff as required be directed to attend the Ontario Municipal Board Hearing to be held 1988 September 1 to defend the City's interest in the matter of an appeal by Stevo and Zelko Culibrk, 1518 Barton Street East from a decision of the Committee of Adjustment (Application A-88-19) whereby the Committee denied the variances to permit the establishment of a restaurant without the provision of an adequate number of parking spaces and that the existing parking area is adjacent to a residential area.

High Density  
Residential  
Development Study.

The Committee APPROVED the recommendation of the Commissioner of Planning and Development as outlined in his report on the High Density Residential Development Study dated June 22, 1988 - File No. P5-4-7-15.

Municipal Housing  
Statement Update  
Progress Report -  
Results of Assisted  
Housing Survey.

The Committee APPROVED the following recommendation of the Commissioner of Planning and Development respecting Municipal Housing Statement Update Progress Report - Results of Assisted Housing Survey:

That the Planning and Development Committee receive this report for information and authorize the Planning and Development Department to hold a workshop to discuss the survey findings and consider future directions.

Housing  
Intensification  
Study - Terms of  
Reference.

With respect to the Housing Intensification Study - Terms of Reference, the Committee APPROVED the recommendation of the Commissioner of Planning and Development:

That a request be made to the Ministries of Housing and Municipal Affairs to fund a housing intensification study for the City of Hamilton in accordance with the terms of reference as outlined in the report of the Commissioner dated July 5, 1988 - File No. P5-4-2-18.

Proposed Amendment  
No. 36 -  
Hamilton-Wentworth  
Official Plan.

The Committee APPROVED the following recommendation of the Commissioner of Planning and Development respecting proposed Amendment No. 36 to the Hamilton Wentworth Official Plan (Proposed Arterial Road - Stoney Creek):

That the City Clerk be requested to inform the Regional Municipality of Hamilton-Wentworth that Proposed Amendment No. 36 to the Hamilton-Wentworth Official Plan does not conflict with the City of Hamilton's planning intentions.



That. Committee APPROVED the following recommendation of the Commissioner of Planning and Development respecting the revision to the proposed Official Plan and Zoning By-law Amendments for lands within the Hydro Corridor located south of the City of Hamilton (Township of Glanbrook):

That the City Clerk be requested to inform the Township of Glanbrook that the City of Hamilton does not object to a revised application for amendments to the Glanbrook Official Plan and Zoning By-law for "Airport-Related Commercial" uses, for lands located within the southern portion of the hydro corridor, east of Highway No. 6, and south of the City of Hamilton, provided that:

developments within the hydro corridor be restricted to the 0.9 ha. (2.3 ac.) site, east of Highway No. 6 and that further development within the hydro corridor not be permitted, to ensure that a buffer will be maintained between the Allison Neighbourhood in the City of Hamilton and the proposed Airport-Related Commercial Uses in Glanbrook.

There being no further business, the meeting was then adjourned.

Taken as read and approved.

ALDERMAN J. SMITH, CHAIRMAN  
PLANNING AND DEVELOPMENT COMMITTEE

R. C. Prowse  
Acting Secretary  
July 13, 1988

Proposed Official  
Plan and Zoning  
Amendments -  
Township of Glanbrook.

Adjournment.





FOR ACTION

REPORT TO: THE PLANNING AND DEVELOPMENT COMMITTEE

FROM: P. KUPPE, BUILDING COMMISSIONER

DATE: August 10, 1988

COMM. FILE:

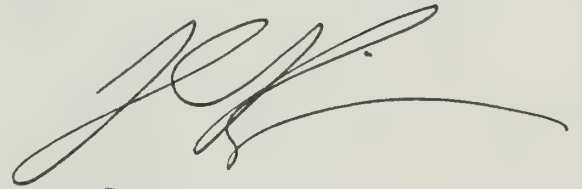
DEPT. FILE:

SUBJECT: DEMOLITION

RECOMMENDATION:

That the Building Commissioner be authorized to issue demolition permits for the demolition of the following properties.

- A. 100 Parkdale Avenue North
- B. 220 Caroline St. South
- C. 1472 Main Street East
- D. 1884 Main Street West
- E. 159 Hunter Street East
- F. 163 Hunter St. East
- G. 13- 1/2 Picton Street West
- H. 6 Community Avenue
- I. 49 Glassco Avenue South
- J. 945 West 5th Street
- K. 140 Pritchard Avenue
- L. 53 Beach Road
- M. 409 Sherman Avenue North



FINANCIAL IMPLICATIONS: N/A

BACKGROUND:

For background information see attached sheets.

# B U I L D I N G   D E P A R T M E N T

## DEMOLITION CONTROL

CATEGORY "A" - PROPOSED USE OF LAND IS PERMITTED BY PRESENT ZONING

DATE August 10, 1988

ITEM	ADDRESS	PRESENT USE	PROPOSED USE	LOT SIZE	OWNER	ZONE	RECOMMENDATION
1.	100 Parkdale N.	S.F.D.	Equipment Rental Shop Addition	30' X 105'	Norm Hannigan Holdings	"H"	It is recommended that Committee approve demolition.
2.	220 Caroline St. S.	S.F.D.	Two Family Dwelling	40' X 78.25'	G. Gatto	"DE-3"	It is recommended that Committee approve demolition but LACAC would like it to be tabled.
3.	1472 Main St. East	S.F.D.	Commercial/ Residential	33' X 90'	T. Adamvic	"H"	It is recommended that Committee approve demolition.
4.	1884 Main St. West	S.F.D.	Multiple Dwelling	298.25' X 186'	Tambec Manage- ment Ltd.	"E/S- 1008"	It is recommended that Committee approve demolition.
5.	159 Hunter St. East	S.F.D.	Multiple Dwelling	34' X 136'	Jack Dolhanty	"E-3/S- 1078" Not Final	It is recommended that the tabling be lifted and approval given for demolition.
6.	163 Hunter St. East	S.F.D.	Multiple Dwelling	42' X 132'	Ilene Hunter	"E-3/S- 1078" Not Final	It is recommended that the tabling be lifted and approval given for demolition.
7.	13-1/2 Picton St.W.	S.F.D.	S.F.D.	10' X 61' 4,508 sq.	Joe Garzo	"D"	It is recommended that Committee approve demolition.







**FOR ACTION**

**REPORT TO:** Mrs. S. K. Reeder, Secretary  
Planning and Development Committee

**FROM:** Mr. E. W. Kowalski, Director  
Department of Community Development

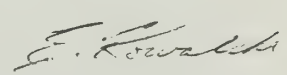
**DATE:** 1988 July 13  
**COMM FILE:**  
**DEPT FILE:**800-0223.4

**SUBJECT:**

Landsdale Neighbourhood Improvement Programme; 1987 Audited Statements and Annual Report for St. Matthew's House.

**RECOMMENDATION**

That the attached audited financial statement and annual report for 1987 for St. Matthew's House be adopted.



**FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)**

N/A

**BACKGROUND**

On 1980, October 20, an Agreement was signed by the Synod of the Diocese of Niagara with the Corporation of the City of Hamilton setting out the terms and conditions of the mortgage of \$240,911.00 granted for the renovation of St. Matthew's House.

The Agreement stipulates that a per diem rate is earned by the mortgagor until 1989 so long as the other terms and conditions are met. These conditions include the submission of an annual report and audited financial statements to the City of Hamilton.

# ST. MATTHEW'S HOUSE

414 Barton Street East • Hamilton, Ontario L8L 2Y3  
Telephone 523-5546

MARGARET NIKOLAUS  
Chairman, Board of Directors

THE REV. CANON J. H. ROGERS  
Executive Director

1988 06 16

Mr. E.W. Kowalski  
Director  
Department of Community Development  
Corporation of the City of Hamilton  
P.O. Box 2040  
Hamilton  
L8P 1H4

June 23/88  
800-~~50323~~4  
857-27  
55/6/25 JHR

Dear Mr. Kowalski:

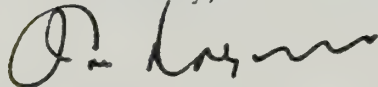
Re: St. Matthew's House Neighbourhood Improvement  
Program - Agreement

In accordance with the agreement pertaining to the improvements to St. Matthew's House, I am enclosing copies of the following for your information:

1987	-	Audited Statement
1987	-	Annual Report

There has been no deletions to the services and programs during 1987.

Yours sincerely,



(the Rev. Canon) J.H. Rogers  
Executive Director

JHR/sd

encl:



## St. Matthew's House Services

The following services are provided by the Centre:

- *Food Bank* — food for those who have exhausted their resources
- *Day Care Service and Half Day Nursery Programme* — for families with special needs
- *Self-help Groups* — for women, men, children, youth and seniors
- *Visiting* — to homes, hospital, jail, nursing and group homes
- *Social Action* — advocacy and legal aid
- *Youth Services* — services to unemployed youth 15 - 25 years
- *Housing* — assistance in locating suitable housing
- *Teacher Resource Program (Early Childhood Integration Support Services)* — twenty-one resource teachers work in day cares in Hamilton-Wentworth Region and Brant County. This programme is intended to assist identified centres and their staff in meeting the special needs of children and their parents
- *Home Support for the Elderly* — this service provides a much-needed ongoing support to poverty stricken seniors by providing in-home support for those who have lost contact with family and community
- *St. Matthew's House/Hamilton East Kiwanis Non-Profit Homes, Inc. Apartments* — twelve apartments for families on low income and in need of a life skills programme
- *St. Charles Place* — in cooperation with the Roman Catholic Separate School Board, basic education instruction is offered at St. Matthew's House Monday to Friday (9 a.m. - 12 noon) through the Board's St. Charles Adult Education Programme

## St. Matthew's House

### Board of Directors - 1987

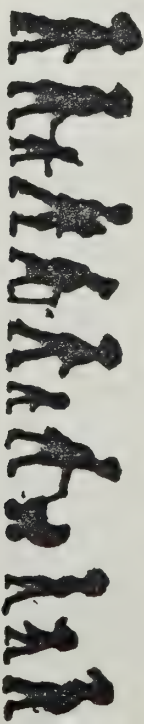
Mrs. M. Nikolaus, *Chairman*  
Mr. R. Smith, *Vice-Chairman*  
Mr. A. Page, *Past Chairman*  
Mr. Bertram H. Leggat, *Q.C.*  
Mr. J. Davis  
Mr. A. Duerksen  
Mrs. Helen Gunn  
Miss Kathy Farley  
Mr. J. McAleese  
The Most Rev. J. C. Bothwell

Mr. R. McMenemy  
Mr. C. E. Lowell  
Mr. Wm. Cook  
The Rev. Canon J. H. Rogers,  
*Executive Director and*  
*Secretary of the Board*

Mrs. S. Dias  
*Honorary Secretary of the Board*

## Annual Report 1987

ST. MATTHEW'S HOUSE  
414 Barton Street East  
Hamilton, Ontario



Annual Meeting — May 4, 1988



## St. Matthew's House Statistics:

The numbers coming to St. Matthew's House for assistance continued to increase during 1987. The statistics for the year are as follows:

Day Care	45 children
Half Day Nursery	32 children
<u>Social Services</u>	
Practical Assistance	11,939
Counselling and Information	1,488
Home Visits	2,267
Legal Aid	260
Advocacy	376
Income Tax	122
Housing	387
Referral	390
The number attending self-help groups	7,323
Camp	119

## Chairman and Executive Director's Report

### "Looking Back — Now — Looking Ahead"

#### Looking Back

This year, St. Matthew's House is celebrating a quarter of a century of service to low and limited income families and individuals. The agency began as the Compass. This was a storefront emergency food and counselling service staffed by volunteers. The community response to the work of the Compass was so great that it soon became apparent that a larger building offering additional services was needed.

In 1966 St. Matthew's Church was destroyed by fire, and after a great deal of study and discussion it was decided not to rebuild the church, but to purchase the present building and extend the work of the Compass under the name of St. Matthew's House. The first Board of Directors meeting was held at the "New House" on October 2, 1967.

Over the next few years the numbers of people coming for assistance continued to increase and the need for additional supportive services became more evident making it necessary for St. Matthew's House to look for additional sources of funding. In 1975 a decision was made to incorporate the centre in order to obtain government funding and to firmly establish St. Matthew's House as a Multi-Service Agency. Following this, new services such as a housing registry, self-help groups and a legal aid clinic were added to the services. In 1980 St. Matthew's House was accepted as a member of the United Way. The finding of office and programme space continued to be a problem and in 1981 and 1982, major renovations were carried out through the Federal, Provincial and City Governments Neighbourhood Improvement Plan which provided close to 200,000 dollars for the project. In 1983 the East Kiwanis Non-Profit Homes and St. Matthew's House Project began in answer to the severe housing problems in the city for families with special needs. The recession of 1983-1984 more than doubled the number of people coming to St. Matthew's House for help and it was found necessary to purchase the store next door to St. Matthew's House to provide additional space for the reception area and food bank. In 1986, the Nursery School half day programme began providing a much-needed service to 32 children and their families. Due to the lack of extra accommodations at St. Matthew's House, this programme is housed in the Wentworth Street Baptist Church.

#### Now

During the past year, two programmes, The Teacher Resource, (Early Childhood Integration Support Services) and the Home Bound Seniors' Programme have been fully instituted. These services have taxed available accommodation at St. Matthew's House. The Board of Directors' Accommodation Committee has been searching for additional accommodations to alleviate this problem.

#### Looking Ahead

St. Matthew's House looks to the future knowing full well the problems of our clients especially in the

area of shelter and food. With this in mind, a request has been made to the Provincial Ministry of Housing and Community Services for two housing projects. First, the renovation of stores on Barton Street to provide housing for families and couples; and secondly, a lodging home. Both will be used to meet the housing needs of individuals and families who require some level of support care or assistance in order to live in the community. In addition, we plan to serve many new families who reside in the Congress Court apartments in Hamilton's east end, by establishing a nursery school. Our food bank continues to be our major service and a first contact with many who require other services of the centre. At the present we are meeting with other agencies and interested individuals to find ways to improve.

\*\*\*\*\*

We are grateful for the support received from many individuals, organizations, groups, schools, churches, the Diocese of Niagara, the United Way, The Regional Municipality of Hamilton-Wentworth and the Ministry of Community and Social Services during the past year. To each we extend our thanks.

Volunteers played an important role throughout 1987 in assisting with various programmes and services being offered, and by helping in their homes and in parishes by sponsoring special events, in the adoption of families at Christmas, by providing knitted clothing, driving children to and from summer camp, and by making up bags of personal items for children to take to camp. We greatly appreciate this splendid effort.

Finally, may we once again bring to your attention the plight of a growing number of people in our community who find themselves living in poverty. We need your help in bringing this issue to public attention and we need your support so that we may continue to ease the burden of poverty among those we serve.

Margaret Nikolaus  
Chairman

The Rev. Canon Joe Rogers  
Executive Director

ANDREW P. SHERWOOD  
CHARTERED ACCOUNTANT

TELEPHONE 549-4129

918 MAIN ST. EAST  
HAMILTON, ONT. L8M 1M5

ST. MATTHEW'S HOUSE

FINANCIAL STATEMENTS

AS AT DECEMBER 31, 1987

ANDREW P. SHERWOOD  
CHARTERED ACCOUNTANT

TELEPHONE 549.4129

918 MAIN ST.  
HAMILTON, ONT. L8M 1...J

April 28, 1988

AUDITOR'S REPORT

To The Board of Directors of St. Matthew's House:

I have examined the balance sheet of St. Matthew's House as at December 31, 1987 and the statements of operations and accumulated fund for the year then ended. My examination was made in accordance with generally accepted auditing standards, and accordingly included such tests and other procedures as I considered necessary in the circumstances.

In my opinion, these financial statements present fairly the financial position of the company as at December 31, 1987 and the results of its operations for the year then ended in accordance with generally accepted accounting principles.

ANDREW P. SHERWOOD

*Andrew P. Sherwood*

Chartered Accountant

ST. MATTHEW'S HOUSE

BALANCE SHEET

AS AT DECEMBER 31, 1987

<u>ASSETS</u>		<u>1987</u>	<u>1986</u>
<u>CURRENT ASSETS</u>			
Cash		100	100
Bank - General		13,540	31,225
Term deposits (Note 1)		80,000	5,000
Regional social services receivable		22,426	28,911
Accrued interest - term deposits		1,250	340
Deposit - 410 Barton St. E., Hamilton		1,000	-
		<u>118,316</u>	<u>65,576</u>
<u>INVESTMENTS</u>			
Funds held by Diocese of Niagara		<u>201,520</u>	<u>198,802</u>
		<u>319,836</u>	<u>264,378</u>
<u>FIXED ASSETS</u>			
Vans - at cost	37,197		37,197
Less: monies contributed to purchase	<u>13,716</u>		<u>10,716</u>
		23,481	<u>26,481</u>
Land and building - at cost	61,979		61,979
less: monies contributed to purchase	<u>49,050</u>		<u>49,050</u>
		<u>12,929</u>	<u>12,929</u>
		<u>36,410</u>	<u>39,410</u>
		<u>356,246</u>	<u>303,788</u>
<u>LIABILITIES AND EQUITY</u>			
<u>CURRENT LIABILITIES</u>			
Accounts payable		1,000	1,000
Employees' deductions payable		18,000	7,454
Camp Fund - J. McLelland Fund		16,940	16,627
Net funds received in advance (Note 2)		<u>60,874</u>	<u>-</u>
		96,814	<u>25,081</u>
<u>ACCUMULATED FUND</u>			
Balance - Beginning of year	278,707		270,191
Add (less): net receipts over (under expenses for the year	<u>(19,275)</u>		<u>8,516</u>
Balance - End of year		<u>259,432</u>	<u>278,707</u>
		<u>356,246</u>	<u>303,788</u>

APPROVED ON BEHALF OF THE BOARD

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



ST. MATTHEW'S HOUSE

STATEMENT OF OPERATIONS

FOR THE YEAR ENDED DECEMBER 31, 1987

<u>RECEIPTS</u>	<u>Social Services</u>	<u>Day Care</u>	<u>Total</u>
Diocese of Niagara - grant	41,000		41,000
- interest	18,798		18,798
Donations	99,330	50	99,380
Regional social services	3,610	305,775	309,385
Parents' fees		6,208	6,208
Edith Turner Foundation	5,000		5,000
Grants - Ministry of Community & Social Services			
- Alarm system	1,168		1,168
- Youth & housing - Admin.	15,450		15,450
- Resource teachers - Admin.	16,550		16,550
- Employment program	6,209		6,209
Grant - Region	11,137		11,137
Rent - Apartment	1,358		1,358
- Office and memberships	493		493
Interest - term deposits	1,757	1,757	3,514
United Way	51,027		51,027
Ministry of Skills Development	1,563	795	2,358
Interest - Building renovation	2,455		2,455
<u>TOTAL RECEIPTS</u>	<u>276,905</u>	<u>314,585</u>	<u>591,490</u>
<u>EXPENSES</u> - per schedule	<u>301,137</u>	<u>309,628</u>	<u>610,765</u>
<u>NET RECEIPTS OVER (UNDER) EXPENSES</u> <u>FOR THE YEAR</u>	( <u>24,232</u> )	<u>4,957</u>	( <u>19,275</u> )

ST. MATTHEW'S HOUSE

SCHEDULE OF EXPENSES

FOR THE YEAR ENDED DECEMBER 31, 1987

	<u>Social Services</u>	<u>Day Care</u>	<u>Total</u>
Wages	173,541	213,586	387,127
Casual labor	427		427
Employees' benefits	16,194	19,184	35,378
Janitorial supplies	1,243	1,243	2,486
Repairs and maintenance	9,376	9,376	18,752
Office	5,003	2,144	7,147
Clients' assistance	60,215		60,215
Equipment	6,517	7,805	14,322
Transportation and training	4,195	104	4,299
Conference	424	407	831
Workers' compensation	1,350	1,426	2,776
Insurance - building	564	563	1,127
Publicity	334	677	1,011
Programs	3,239		3,239
Day care food		19,289	19,289
Field trips		1,255	1,255
Consumable supplies		3,557	3,557
Van expense	4,905	15,380	20,285
Legal and audit	500	600	1,100
Bank charges	201	201	402
Miscellaneous expense		215	215
Utilities - 412 Barton st. E.	5,450		5,450
- 414 Barton st. E.	7,459	7,459	14,918
Half day - Rent		3,150	3,150
- Telephone		447	447
- Food		1,560	1,560
	<u>301,137</u>	<u>309,628</u>	<u>610,765</u>

ST. MATTHEW'S HOUSE

SCHEDULE OF NET FUNDS RECEIVED IN ADVANCE

FOR THE YEAR ENDED DECEMBER 31, 1987

	<u>Youth &amp; Housing</u>	<u>Seniors</u>	<u>Resources</u>	<u>Total</u>
<u>RECEIPTS</u>	<u>37,875</u>	<u>24,013</u>	<u>453,910</u>	<u>515,798</u>
<u>EXPENSES</u>				
Wages	32,863	16,982	308,867	358,712
Employees' benefits	2,996	1,552	27,032	31,580
Office expense			8,065	8,065
Transportation & training	212	343	11,682	12,237
Workers' compensation	197	113		310
Publicity			2,536	2,536
Programs	653	98		751
Miscellaneous expense			1,240	1,240
Utilities & telephone			2,229	2,229
One time start up			27,566	27,566
New program supplies			9,098	9,098
Rent - Brantford			600	600
	<u>36,921</u>	<u>19,088</u>	<u>398,915</u>	<u>454,924</u>
<u>NET RECEIPTS OVER (UNDER)</u>				
<u>EXPENSES FOR THE YEAR</u>	<u>954</u>	<u>4,925</u>	<u>54,995</u>	<u>60,874</u>

See Note 2

ST. MATTHEW'S HOUSE

NOTES TO THE FINANCIAL STATEMENTS

AS AT DECEMBER 31, 1987

Note 1 - Term Deposits

They consist of:

Bus reserve  
General

<u>1987</u>	<u>1986</u>
5,000	5,000
<u>75,000</u>	<u>-</u>
<u>80,000</u>	<u>5,000</u>

The term deposit of \$75,000 is directly attributable to the Ministry of Community and Social Services advances re the programs for youth & housing, seniors, and resources.

Note 2 - Net Funds Received In Advance

These monies are the net receipts over expenses for the three programs: youth & housing, senior, and resources. These programs are based on a twelve month budget ended March 31, 1988 to coincide with the Ministry of Community and Social Services year-end. The net receipts have been expended by March 31, 1988.





FOR ACTION

5.

REPORT TO: Mrs. S. Reeder, Secretary  
Planning and Development Committee

FROM: Mr. E. W. Kowalski, Director  
Department of Community Development

DATE: August 10, 1988  
COMM FILE: FACADE 48  
DEPT FILE:

SUBJECT

Commercial Facade Loan Programme - 417 Barton Street East

RECOMMENDATION

That a Commercial Facade Loan in the amount of \$12,230.00 be approved for Mario Paolone, owner of 417 Barton Street East. The interest rate will be 4.5 percent, amortized over 10 years.

*E. Kowalski*

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

N/A

BACKGROUND

The owner of 417 Barton Street East has applied for assistance under the City of Hamilton's Commercial Facade Loan Programme. As per the terms of the Programme, the Building Department has inspected the property as per the Property Standards By-law 74-74 and the necessary repairs have been included.

The Barton General Business Improvement Area have reviewed the plans and have approved the work which is to be undertaken by the owners.

The Department of Community Development, therefore recommends the approval of a Commercial Facade Loan to Mario Paolone for improvements to 417 Barton Street East in the amount of \$12,230.00. The loan will be amortized over a 10 year period at 4.5 percent interest. The monthly payments will be \$126.77, and will be secured by a Promissory Note and a lien registered on title.



FOR ACTION

6.

REPORT TO: MRS. S. K. REEDER, SECRETARY  
PLANNING & DEVELOPMENT COMMITTEE

FROM: MR. T. BRADLEY, MANAGER  
PURCHASING


DATE: 1988 July 13  
COMM FILE:  
DEPT FILE:

SUBJECT: TWO TICKET ISSUING MACHINES, COMMUNITY DEVELOPMENT

RECOMMENDATION

That a purchase order be issued to J. J. MacKay Canada Ltd., London in the amount of \$25,273.33 for the supply and delivery of Two Ticket Issuing Machines for the Community Development Department, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Only tender received. Funds provided in Downtown Hamilton Action Plan Phase IV Account #0405-A97015

  
T. Bradley, Manager of Purchasing

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)  
See above RECOMMENDATION

BACKGROUND

These two electronic multi-space parking units are to be installed at the Jarvis Street Parking lot.





FOR ACTION

7.

REPORT TO: Mrs. S. K. Reeder  
Secretary, Planning and Development Committee

FROM: Mr. D. W. Vyce  
Director of Property

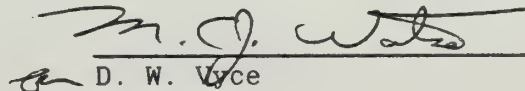
DATE: 1988 August 9  
COMM FILE:  
DEPT FILE: 100.11.23  
(4504)

SUBJECT: Purchase by the City - 409 Sherman Avenue North  
Richard R. Williams

RECOMMENDATION:

That an Option to Purchase the property at 409 Sherman Avenue North by Richard R. Williams, executed on August 9, 1988 and scheduled to close on or before October 6, 1988 be completed.

This property is required in connection with the acquisition of lands in the Alpha Enclave (West) and has a frontage of 20.5 feet, more or less, by a depth of 90 feet, more or less, together with all structures erected thereon. The purchase price of \$53,600.00 in accordance with Schedule "A" attached, and all costs and associated expenses, including Tenant Moving Allowances, to be charged to account 0408-W75266. Demolition is to take place upon closing.

  
D. W. Vyce

FINANCIAL IMPLICATIONS:

There will be revenue generated by the disposal of the assembled lands. The amount is not known at this time.

BACKGROUND:

In accordance with City Council's instructions (Item 27, July 28, 1987) to acquire the properties in Alpha Enclave West, we enclose herewith, an Option to Purchase Agreement for 409 Sherman Avenue North in the amount of \$53,600.00

Attach.

c.c. Mr. K. A. Rouff, City Solicitor  
Mr. E. C. Matthews, City Treasurer  
Mr. M. Chidley, Regional Surveyor  
Mr. R. Swan, Manager, Property Maintenance Division  
Mr. P. Kuppe, Building Commissioner Attn: Monica German

SCHEDULE "A"

Property Address

409 Sherman Avenue North

Owner's Interest

RICHARD R. WILLIAMS

ELEMENTS OF COMPENSATION

Market Value of Realty \$53,000.00

Legal Fees (David Nelson) 600.00

TOTAL COMPENSATION \$53,600.00

Appurtenances and fixtures for which compensation is being paid as listed below and which must remain on the premises when vacant possession is given. It is understood and agreed that all fixtures, fittings and chattels not itemized herein which are left behind on the premises at the time vacant possession is delivered, shall be deemed to be abandoned and The Corporation of the City of Hamilton may dispose of same.

Floor Coverings:

Linoleum, tiles, carpeting, any covering normally held down with tacks or glue, etc.

Electrical Apparatus:

Built in fans, light fixtures, sockets, bulbs, fuses, wiring, switches, plugs, switch plates, fuse boxes, electrical equipment which is built in, appliances belonging to the City, antennae, air conditioners, door chimes, door bells, etc.

Plumbing:

Toilets, sinks, piping, drains, taps, handles, washtubs, faucets, showers, cistern, and well pumps, and motors, sump pumps and motors, etc.

Miscellaneous:

Awnings, doors, door knobs, locks, screens, storm windows, fences, gates, enclosures, sheds, outbuildings, patio stones, fireplaces, outdoor lights, flame hoods and exhaust fans, furnaces, ducts, humidifiers, thermostats, steps, cupboards, closets, wall mirrors, door mirrors, permanent shelving, mailboxes, shrubs, trees, plants, sod, flowers, gravel, railings, trellises, etc., with the exception of the front and rear reinforced doors which will be replaced and the bar located on the first floor.

It is understood and agreed that the amount of \$53,600.00 is in full and final payment of all compensation whatsoever which RICHARD R. WILLIAMS might be entitled to as a result of the purchase by The Corporation of the City of Hamilton of the land and buildings known as 409 Sherman Avenue North, Hamilton, Ontario.

DATED at Hamilton this 9th day of August 1980.

WITNESS:

M. J. [Signature]

Richard R. Williams  
RICHARD R. WILLIAMS

FOR ACTION

8

REPORT TO: Mrs. S. K. Reeder  
Secretary, Planning and Development Committee

FROM: Mr. D. W. Vyce  
Director of Property

DATE: 1988 July 14

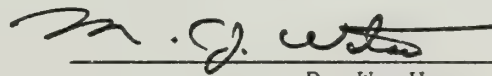
COMM FILE:

DEPT FILE: 20.1.160  
(2738)

SUBJECT: Release of Building Covenants - Dundurn Inn Ltd.  
South West Corner of York Boulevard and  
Dundurn Street North, Hamilton, Ontario

RECOMMENDATION:

That the City Solicitor be authorized to prepare a Quit Claim Deed from the City of Hamilton to the present owners of 149 Dundurn Street North, Hamilton, Ontario to release the property from the construction covenants to the City as contained in deed number 147660 C.D.

  
\_\_\_\_\_  
D. W. Vyce

FINANCIAL IMPLICATIONS - N/A

BACKGROUND

In adopting Item 18 of the First Report of the Board of Control on January 10, 1978, as amended by Item 20 of the Tenth Report of the Board of Control on February 13, 1979, City Council authorized the sale of the City owned property at 153 Dundurn Street North and 54 Woodbine Crescent to Roxborough Development Corporation and Iona Development Corporation. The transaction was completed on January 4, 1980. On June 12, 1987 a 9,500 square foot building was completed on the site.

This Department supports the request of the owners that the City of Hamilton release the construction covenants contained in deed number 147660 C.D. in order to clear the title.

All the covenants as noted above have been fulfilled.

c.c. - Mr. K.A. Rouff. City Solicitor

- Mr. M. Chidley, Regional Surveyor





FOR ACTION

9.

REPORT TO: Mrs. S. K. Reeder  
Secretary, Planning and Development Committee

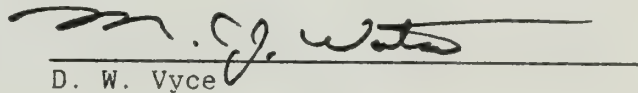
FROM: Mr. D. W. Vyce  
Director of Property

DATE: 1988 July 14  
COMM FILE:  
DEPT FILE: 20.1.54(2738)

SUBJECT: Release of Building Covenants - Ted Paul - Lot 15,  
Plan 1332, Hamilton Industrial Estates No. 2 -  
70 Covington Street - Hamilton, Ontario

RECOMMENDATION:

That the City Solicitor be authorized to prepare a Quit Claim Deed from the City of Hamilton to the present owner of 70 Covington Street, Hamilton, Ontario, to release the property from the construction covenants to the City as contracted in deed number 117945 A.B.

  
D. W. Vyce

FINANCIAL IMPLICATIONS - N/A

BACKGROUND

In adopting Item 19 of the Report of the Board of Control, City Council on February 27, 1968 authorized the sale of Lot 15, Plan 1332. This transaction was completed on January 13, 1969 and on February 2, 1972, a 12,000 square foot building was completed on this site.

This Department supports the request of the owner that the City of Hamilton release the construction covenants contained in deed number 117945 A.B. in order to clear the title.

All the covenants as noted above have been fulfilled.

c.c. - Mr. K.A. Rouff, City Solicitor

- Mr. M. Chidley, Regional Surveyor



FOR ACTION

10.

REPORT TO: Mrs. S. K. Reeder  
Secretary, Planning and Development Committee

FROM: Mr. D. W. Vyce  
Director of Property

DATE: 1988 August 8  
COMM FILE:  
DEPT FILE: 60.3.17

SUBJECT: Hamilton Rail Station - Commuter Parking  
"Go Transit" - Strachan Street East -

RECOMMENDATION:

1. That the Mayor and City Clerk be authorized to execute a lease with the Toronto Area Transit Operating Authority for the property described as Part 1, 2, 3 and 4 on Plan 62R-6290 located on Strachan Street East.
2. That the lease be in a form satisfactory to the City Solicitor.

Note: The lease is for a period of two (2) years, to be commenced August 1, 1988 and ending on July 31, 1990. In the event that both parties mutually agree to extend the lease for an additional term commencing August 1, 1990 to July 31, 1992, the parties agree that such extension shall be in accordance with and subject to the same terms and conditions.

In the event the premises are not required for the Industrial Perimeter Road Project consideration will be given to a further two (2) year extension upon such terms and conditions as the parties may agree.

The rent payments are \$9,636.00 per year plus realty taxes paid in advance in monthly installments of \$803.00 on the first day of each month and commencing August 1, 1988.

  
D. W. Vyce



FINANCIAL IMPLICATIONS: - N/A

BACKGROUND:

In adopting Item 1 of the 15th Report of the Planning and Development Committee, City Council on August 17, 1982 approved in principle the lease with the Toronto Area Transit Operating Authority, ("Go Transit"). On July 26, 1983 City Council in adopting Item 18, approved of the lease terms with "Go Transit".

Due to lack of ridership of the Go Train, the Toronto-Area Transit Authority terminated the lease with the City of Hamilton.

Most recently, this department has been advised that "Go Transit" wanted to renew the lease for the Strachan Street Parking Lot as the Go service has increased dramatically.

A new agreement was negotiated and we are prepared to recommend the lease terms be approved and the attached lease be executed.

Attach.

- c.c. - Mayor R.M. Morrow
- Mr. L. Sage, Chief Administrative Officer
  - Mr. Wm. Sears, Regional Chairman
  - Mr. E.C. Matthews, City Treasurer
  - Mr. K.A. Rouff, City Solicitor
  - Mr. Peter Baker, General Manager, Parking Authority

## FOR ACTION

**REPORT TO:** Mrs. S. Reeder, Secretary  
Planning and Development Committee

**FROM:** Miss C. Coutts, Secretary  
Local Architectural Conservation  
Advisory Committee

**DATE:** 1988 August 4

**COMM FILE:**

**DEPT FILE:**

**SUBJECT:**

171 Forest Avenue - Application for M.C.C. Technical Consulting Service

**RECOMMENDATION**

That the City of Hamilton apply for the Technical Consulting Service to obtain the assistance of a masonry conservation expert for the designated house at 171 Forest Avenue in order to assess the scope and cost of the stone masonry repairs, to prioritize the work and determine the most appropriate conservation techniques to be used.

C. Coutts

**FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)**

This service is provided at no cost to the municipality or the property owner.

**BACKGROUND**

LACAC gave preliminary approval to this recommendation at its 1988 July 25 meeting.

The owner is interested in heritage funding for this work and has obtained several estimates. Estimates for repairs to all four walls (3 rubblestone walls and a brick facade) ranged from \$27,000 to \$35,000.

Due to the poor condition of the stonework and the estimated high cost of the repairs, LACAC staff requested advice from staff for the Ministry of Culture and Communication's Preserving Ontario's Architectural Program.

Ms. Susan Myers, Technical Advisor for the Program visited the building with LACAC staff July 12.

Because of a badly deteriorated condition of the stonework (need for extensive stone replacement and repointing) and the use of portland cement for previous repointing, Ms. Myers strongly advised that the City apply for the Ministry's Technical Consulting Service.

FOR ACTION

12.

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: D. GODLEY, CO-ORDINATOR  
BEACH IMPLEMENTATION COMMITTEE

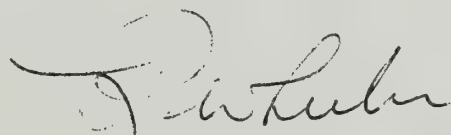
DATE: 1988 July 15  
COMM FILE:  
DEPT. FILE: P5-2-60

SUBJECT:

Hamilton Beach, Neighbourhood Plan Advisory Committee

RECOMMENDATION

That the Planning and Development Committee authorise the use of an Advisory Committee for the preparation of a neighbourhood plan composed of the current members of the Beach Implementation Committee and seven (7) owners/tenants from Hamilton Beach.



Alderman R. Wheeler  
Chairperson  
Hamilton Beach Implementation Committee

FINANCIAL IMPLICATIONS

N/A)

BACKGROUND

- Collection of background information for the Beach Neighbourhood Plan has started in accordance with the work program for the Planning and Development Department.
- Generally in neighbourhood planning exercises the Advisory Committee is drawn from the neighbourhood. However, there are the following advantages in adding seven (7) new members from the Beach to the Beach Implementation Committee.



- conflict between and confusion about the Beach Implementation Committee and an Advisory Committee will be avoided.
  - the Beach Implementation Committee is working harmoniously and with its knowledge can make effective contributions to a neighbourhood plan
  - continuity will be provided and the principles of the Concept Plan will be given some protection.
  - a majority of Committee members will be from the neighbourhood, thus ensuring a strong community input.
- It is anticipated that Advisory Committee meetings will take place early in 1989 and the plan completed in Fall 1989.
  - It is proposed that new members of the Advisory Committee be recruited through a Beach newsletter which would be circulated to all owners and occupiers in the area and that the Beach Implementation Committee would select the additional members. A list of current Beach Implementation Committee members is attached.
  - A letter of support for the recommendation from the Director of Local Planning is attached.

DG/dkp

Attach.

WP 0056P

HAMILTON BEACH IMPLEMENTATION COMMITTEE

COMMITTEE COMPOSITION AND MAILING LIST

W.P. Doc. 0103P (Filed on disc #0107P)

P5-2-60

MEMBERS

REPRESENTING

- |  |                              |
|--|------------------------------|
| 1. Alderman Reg Wheeler<br>Second Floor, City Hall<br>526-2730   | City of Hamilton             |
| 2. Alderman Geraldine Copps<br>Second Floor, City Hall<br>526-2730   | City of Hamilton             |
| 3. Alderman Dominic Agostino<br>Second Floor, City Hall<br>526-2730  | City of Hamilton             |
| 4. Alderman Dave Christopherson<br>Second Floor, City Hall<br>526-2730   | City of Hamilton             |
| 5. Councillor Richardson<br>City of Stoney Creek<br>777 Highway No. 8<br>Stoney Creek, Ontario<br>L8G 4N9<br>573-3333              | Hamilton Region C.A.         |
| 6. Councillor Stan Napper<br>City of Stoney Creek<br>777 Highway No. 8<br>Stoney Creek, Ontario<br>L8G 4N9<br>643-1261             | Region of Hamilton-Wentworth |
| 7. Linda Marshall<br>Hamilton Beach Study<br>Steering Committee<br>913 Beach Boulevard<br>Hamilton, Ontario<br>L8H 6Z6<br>545-6350 | Hamilton Beach               |
| 8. Gil Simmons<br>449 Bay Street North<br>Hamilton, Ontario<br>L8L 1N2<br>522-9974   | Hamilton Citizens            |
| 9. Al Stacey<br>33 Undermount Avenue<br>Hamilton, Ontario<br>L8P 3Z7<br>527-2274   | Hamilton Region C.A.         |

10. Mr. Michael Gagnon  
668 Beach Boulevard  
Hamilton, Ontario  
L8H 6Y3  
545-1121

Hamilton Beach

CO-ORDINATORS

11. David Godley  
Planning Department  
7th Floor, City Hall  
526-4229
12. Mr. R. W. Chrystian  
Hamilton Region  
Conservation Authority  
P.O. Box 7099  
Mineral Springs Road  
Ancaster, Ontario  
L9G 3L3  
648-4427

MAILING

13. Ed Kowalski  
Director of  
Community Development  
3rd Floor, City Hall
14. Jim Leach  
Commissioner of  
Engineering Department  
6th Floor, City Hall
15. Dan Vyce  
Director of Property  
1st Floor, City Hall
16. Joe Pavelka  
Director of Public Works  
4th Floor, City Hall
17. Bob Mackenzie, M.P.P.  
1522 Main Street East  
Hamilton



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Planning and Development Department  
71 Main Street West, Hamilton, Ontario L8N 3T4

P5-2-60

July 15, 1988

Mrs. Susan Reeder  
Secretary  
Planning and Development Committee  
City Clerk's Department  
City Hall, Hamilton

Dear Mrs. Reeder:

Re: Hamilton Beach Neighbourhood Plan Advisory Committee

I support the recommendations of the Beach Implementation Committee for the reasons given in the report. I shall be allocating staff time for the speedy completion of the Beach Neighbourhood Plan in my work program for 1989.

Yours truly,

V. J. Abraham, M.C.I.P.  
Director of Local Planning

DG/dkp

WP 0056P





FOR ACTION

13.

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: D. GODLEY, CO-ORDINATOR  
BEACH IMPLEMENTATION COMMITTEE

DATE: 1988 July 15  
COMM FILE:  
DEPT. FILE: P5-2-60

SUBJECT:

Hamilton Beach, Proposed Official Plan Amendment

RECOMMENDATION

- a) That the Planning and Development Committee direct the Planning and Development Department to prepare an Official Plan Amendment for Hamilton Beach to reflect the Hamilton Beach Concept Plan
- b) That the Planning and Development Committee authorise a public meeting to consider the proposed Official Plan Amendment.
- c) That City Council request Regional Council to amend the Hamilton-Wentworth Region Official Plan to reflect the Hamilton Beach Concept Plan.



Alderman R. Wheeler  
Chairperson  
Hamilton Beach Implementation Committee

FINANCIAL IMPLICATIONS

N/A)

BACKGROUND

- In November 1987 City Council adopted the Hamilton Beach Concept Plan which changed the policy for Hamilton Beach from Open Space to Mixed Use to preserve the community.

- Collection of data for the neighbourhood plan has been started. The Plan is due to be finished next Fall.
- The original intention was to prepare an Official Plan Amendment after the neighbourhood plan was prepared.
- The unanimous recommendation of the Beach Implementation Committee is to proceed with the Official Plan Amendment as soon as possible for the following reasons:
  - the Official Plan would formalise an already adopted policy
  - further assurance would be given that the community will be preserved
  - further assurance would be given to the Province about the future of the Beach. This will be important when the Province is considering sewer funding.
  - information would be given to those who are uncertain about the future of the Beach or who still believe the Beach is to be used for Open Space.

DG/dkp

Attach.

WP 0056P

FOR ACTION

13a.

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

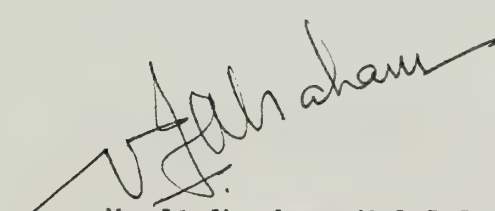
DATE: 1988 August 02  
COMM FILE:  
DEPT. FILE: P6-2-62  
P5-2-60

SUBJECT:

Hamilton Beach Implementation Committee request for Official Plan Amendment.

RECOMMENDATION

- a) That the preparation of an Official Plan Amendment for the Hamilton Beach Concept Plan be held in abeyance, pending the outcome of a neighbourhood plan study for the area.
- b) That should the Planning and Development Committee wish to proceed at this time with an Official Plan Amendment to reflect the Hamilton Beach Concept Plan, then the recommendation contained in the Hamilton Beach Implementation Committee report be endorsed.

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

  
J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The Hamilton Beach Concept Plan (adopted 1987) was to function as the basis for further, more detailed planning of the Beach. In particular, it was intended that a neighbourhood plan would be prepared followed by the necessary amendment to the Official Plan.



However, the Hamilton Beach Implementation Committee is requesting the City to proceed with an Official Plan Amendment at this time, without the benefit of the neighbourhood planning process. This approach will necessitate the preparation and approval of a second Official Plan Amendment to incorporate the land use and policy findings of the Neighbourhood Plan, not envisaged in the Concept Plan or the first Amendment.

It is the preference of the Planning and Development Department to prepare a single comprehensive Official Plan Amendment to coincide with the finalization of the Neighbourhood Plan. Thereby the Amendment would have the benefit of:

- the detailed findings of the neighbourhood planning process; and,
- the combined use of public meetings for the neighbourhood plan and official plan amendment.

This approach is more efficient by eliminating the duplications in terms of staff resources, public meetings, associated costs, and time in the processing of two Official Plan Amendments.

#### CONCLUSION

However, should the Planning and Development Committee wish to proceed at this time with the request of the Hamilton Beach Implementation Committee, the Department should be directed to undertake the amendment and related processing procedures (i.e. public meeting, Regional Official Plan Amendment request). Otherwise, the amendment should be prepared to coincide with the finalization of the Neighbourhood Plan.

ALG  
ALG/dkp

WP 0021P

FOR ACTION

14.

REPORT TO: Mrs. S.K. Reeder, Secretary,  
Planning & Development Committee

FROM: K. A. Rouff, City Solicitor

DATE: 1988 August 11

COMM FILE:

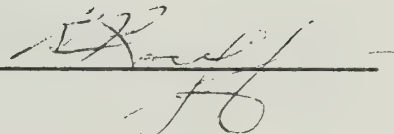
DEPT FILE: 130-53.1

SUBJECT:

Amendment to Zoning By-law No. 6593 respecting definition of "family".

RECOMMENDATION

That the attached draft by-law be enacted by City Council.



FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

N/A

BACKGROUND

With the adoption of Section 29 of the 16th Report of the Planning and Development Committee, City Council at its meeting held on July 26, 1988 directed the City Solicitor to prepare the necessary by-law for presentation to Committee and Council.

The effect of the by-law is to revise the definition of "family" to prohibit more than 5 unrelated persons from living together as a family in a single family dwelling unit.

- c.c. Mr. J. J. Zipay, Division Head,  
Development & Urban Design Division,  
Planning & Development Department
- c.c. Mr. P. Kuppe, Building Commissioner
- c.c. Mr. J. A. Gartner, Director,  
Regional Planning Division,  
Provincial Office Tower

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 88-

TO AMEND

ZONING BY-LAW 6593

RESPECTING:

DEFINITION OF "FAMILY"

WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 6593 on the 25th day of July, 1950, being the Zoning By-law;

AND WHEREAS said Zoning By-law No. 6593 was approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 29 of the 16th Report of the Planning & Development Committee at its meeting held on the 26th day of July, 1988, directed that Zoning By-law No. 6593 be amended to provide for a revised definition of "family";

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection (2) J. (vii) of Section 2 of By-law No. 6593 is repealed, and the following is substituted therefor:

(vii) "Family" shall mean:

1. one person, with or without the accommodation of not more than three lodgers, or
2. any number of persons related to each other by blood, marriage, legal adoption, or foster parentage, with or without the accommodation of not more than three lodgers, or
3. any number of persons, two of whom live together in a conjugal relationship outside marriage and either one or both of whom are related to the remainder by blood, marriage, or legal adoption, or foster parentage, with or without the accommodation of not more than three lodgers, or
4. five or fewer persons, irrespective of the relationship if any between them,

occupying premises and living as a single housekeeping unit, but does not include a person or group of persons occupying:

a residential care facility, a short-term care facility, a room or suite in a hotel, hostel, or lodging home, tourist home and any institutional accommodation.

2. In all other respects, Section 2 of By-law No. 6593 is hereby confirmed unchanged.

PASSED this                      day of                      A.D. 1988.

City Clerk

Mayor

(1988) 16 R.P.D.C. 29 July 26  
C-88-1

F O R   A C T I O N

15.

REPORT TO:        SUSAN REEDER, SECRETARY  
                     PLANNING AND DEVELOPMENT COMMITTEE

FROM:             J. D. THOMS, COMMISSIONER  
                     PLANNING AND DEVELOPMENT DEPARTMENT

DATE:    1988 August 11  
COMM FILE:  
DEPT. FILE: CI-88-I

SUBJECT:

Amendment to Zoning By-law No. 6593 - "Family" definition

RECOMMENDATION

(a) That Section 29 of the SIXTEENTH report for 1988 of the Planning and Development Committee be rescinded and replaced with the following:

1. That Section 2 of Zoning By-law No. 6593 be amended to provide for the following definition of "family"

"Family shall mean":

1. one person, with or without the accommodation of not more than three lodgers, or,
2. any number of persons related to each other by blood, marriage, legal adoption, or foster parentage, with or without the accommodation of not more than three lodgers, or,
3. any number of persons, two of whom live together in a conjugal relationship outside marriage and either one or both of whom are related to the remainder by blood, marriage, or legal adoption, or foster parentage, with or without the accommodation of not more than three lodgers, or,
4. five or fewer persons, irrespective of the relationship if any between them,

occupying premises and living as a single housekeeping unit;

but does not include a person or group of persons occupying:

a residential care facility, a short term care facility, a room or suite in a hotel, hostel, or lodging home, tourist home and any institutional accommodation.

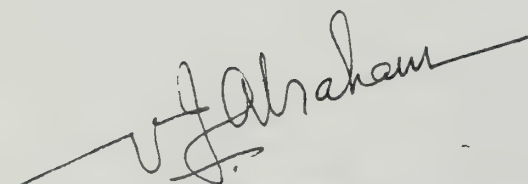
- b) That appropriate changes be made to other sections of the Zoning By-law to comply with the intent of the "family" definition.
- c) That the City Solicitor be requested to prepare a By-law for submission to the Planning and Development Committee and Council.



### EXPLANATORY NOTE

Minor amendments to Council's resolution is required to ensure the intent of the By-law is maintained.

In addition, the new "family" definition will affect other sections of the By-law not only Section 2 - Interpretations and Definitions. Accordingly, a new resolution is required to incorporate these additional changes.



V. J. Abraham, M.C.I.P.  
Director of Local Planning



J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

### FINANCIAL IMPLICATIONS

N/A

### BACKGROUND

On July 26, 1988, City Council approved an amendment to the "family" definition contained in Zoning By-law No. 6593.

Minor amendments to the approved Council resolution are required to ensure that the intent of the By-law is maintained.

Further, after careful analysis of the Zoning By-law, it is evident that the "family" definition affects other sections of the Zoning By-law. For example, the by-law, as proposed, would allow the accommodation of six lodgers (three under the definition of "family" and three lodgers as currently permitted in the district provisions). Clearly, the intent is to limit the number of lodgers in a single family dwelling unit to three. Therefore, it is necessary to amend the relevant sections to ensure that consistency has been maintained throughout the By-law.

A report outlining the additional By-law changes as well as The Bill (draft By-law) amending all sections of the Zoning By-law will be forwarded to the next Planning and Development Committee meeting.

JH/ma

WP0217P

F O R   A C T I O N

16.

REPORT TO: ALDERMAN JOHN SMITH, CHAIRMAN  
ALDERMAN DON ROSS  
WARD ALDERMAN OF THE PLANNING  
AND DEVELOPMENT COMMITTEE

DATE: July 19, 1988  
COMM FILE:  
DEPT FILE: DA-87-107  
Yeoville  
Neighbourhood  
(ZA-87-18)

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Site Plan Control Application DA-87-107 for an addition and modifications to the existing building (2nd Level Lodging Home) for ten residents at 12 Lotus Avenue.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-107 by Mrs. Sulekha Vishwas Bagal, owner of lands known as 12 Lotus Avenue for an addition and modifications to the existing building for a second level lodging home for ten residents subject to the following:

- i) approval of the By-law to permit the proposed development in accordance with the approval of Zoning Application ZA-87-18;
- ii) modification to plans in relation to notes dimensions and landscaping as marked in red on the plan;
- iii) submission of a revised grading plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Department of Engineering;

and further,

That the following recommendation be forwarded to City Council:

That in regards to Zoning Application ZA-87-18 that item No. 4 of the Eighth Report of the Planning and Development Committee to City Council which was adopted on April 28, 1987 be amended by adding the following:

- a) that two parking spaces be permitted to be located in the front yard.

### EXPLANATION NOTES

In processing the Site Plan Control Application for the proposed development, the detailed design established an additional variance to permit two parking spaces to be located in the front yard which should be established as part of the By-law.

  
Victor J. Abraham, M.C.I.P.  
Director of Local Planning

Approved On: \_\_\_\_\_

Alderman John Smith  
Chairman \_\_\_\_\_

Alderman  
Ward Alderman \_\_\_\_\_

### BACKGROUND

Plans have been submitted for addition and modification to the existing building (2nd Level Lodging Home) for ten residents at 12 Lotus Avenue. The development proposes a one-storey front yard addition with a landscape treatment around the foundation and designated 5 parking spaces.

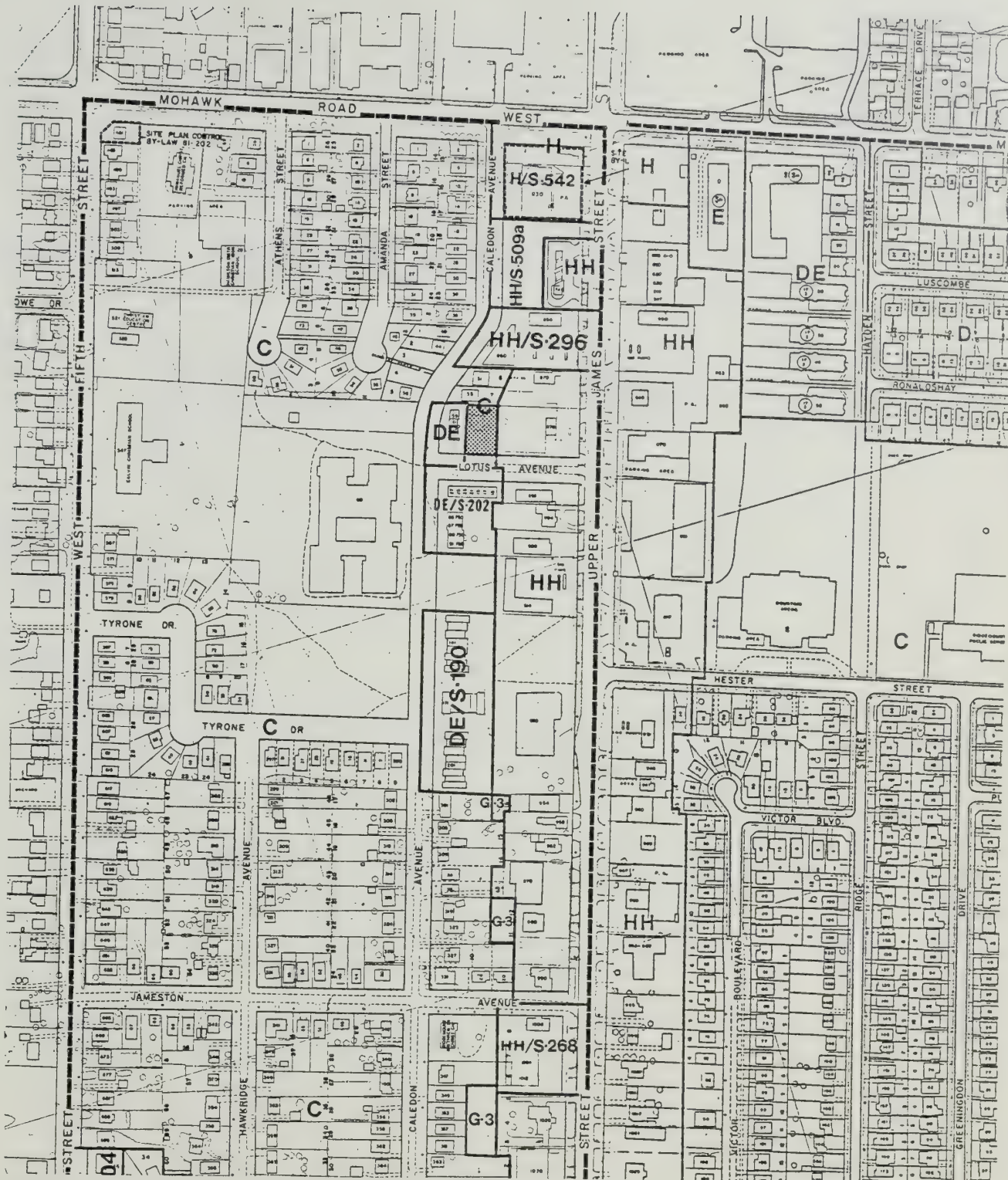
Modifications are required to the plan related to dimensions, and notes as marked in red on the plans.

The Hamilton-Wentworth Department of Engineering has advised that the grading plan is unsatisfactory and requires modification according to their comments. A revised grading plan should therefore be submitted to the satisfaction of the Commissioner of the Hamilton-Wentworth Department of Engineering.

The plans have also established that two parking spaces are to be located in the front yard. Since the By-law to permit the development has been held until the Site Plan has been completed, City Council resolution adopted on April 28, 1987 should be amended to permit the two parking spaces to be located in the front yard.

JPS/JL/ma





PLAN SHOWING  
LANDS SUBJECT TO  
SITE PLAN CONTROL  
APPLICATION DA-87-107

Regional Municipality of Hamilton-Wentworth  
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale  
1:5,000

Date  
NOV. 1987

Reference File No.  
DA-87-107

Drawing No.  
87-H-





17

FOR ACTION

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS  
COMMISSIONER  
PLANNING AND DEVELOPMENT

DATE: 1988 JULY 18  
COMM FILE:  
DEPT FILES: SA-86-20  
25T-86032

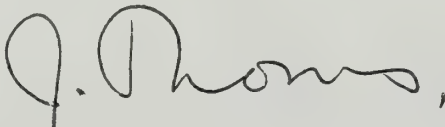
SUBJECT

Proposed Draft Plan of Subdivision "Gagliano Gardens Addition"

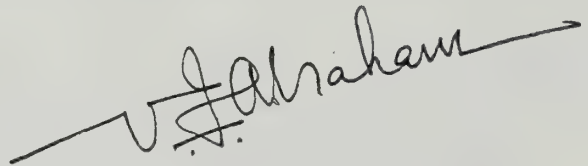
RECOMMENDATION

- a) That approval be given to application SA-86-20, Di Cenzo Construction Company Limited, owner, to establish a draft plan of subdivision north of Rymal Road East, west of Upper Gage Avenue, subject to the following conditions:
1. That this approval apply to the plan prepared by A. J. Clarke and Associates, dated July 24, 1986, showing 41 lots and 4 blocks, revised to align Street "B" with the future street on the abutting lands.
  2. That the owner acquire sufficient land to establish all streets in full and the streets be dedicated as public highways on the final plan.
  3. That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
  4. That the final plan conform with the Zoning By-law approved under The Planning Act.
  5. That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
  6. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
  7. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
  8. That the dead-ends and open side of the road allowances (Blocks "44" to "48" inclusive) created by the plan be terminated in 0.3m reserves to be conveyed to the City of Hamilton and to be held by the City until required for the extension of the road allowances or for the development of abutting lands.

9. That Blocks "42" and "43" be developed only in conjunction with abutting lands.
  10. That the owner shall erect a sign in accordance with Section X of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
  11. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- b) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-86-20), DiCenzo Construction Company Ltd., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.



J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development



V. J. Abraham, M.C.I.P.  
Director - Local Planning

## BACKGROUND

### Owner

DiCenzo Construction Company Limited, Stoney Creek, Ontario

### Surveyor

A. J. Clarke and Associates, Hamilton, Ontario

### Location

The lands, comprising 2.244 ha, are located in the area north of Rymal Road East, west of Upper Gage Avenue in the Eleanor Neighbourhood, City of Hamilton.

### Proposal

The owner proposes to subdivide the lands into 41 lots for single family dwellings and 2 blocks for future development in conjunction with adjacent lands. All lots will front onto new streets to be established in compliance with the approved neighbourhood plan. The minimum lot width proposed is 12.2m and the minimum lot area is approximately 370m<sup>2</sup>.

### EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated "Residential - single and double". The proposal complies.

Zoning - the lands are zoned "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District (proposed Lots 39-41 inclusive). The bulk of the lands will require a by-law amendment to rezone the lands.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

### COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the proposal:

Ministry of Municipal Affairs,  
Ministry of Transportation,  
Ministry of the Environment,  
Ministry of Natural Resources,  
Ministry of Citizenship & Culture,  
Niagara Escarpment Commission,  
Hamilton Region Conservation Authority,  
Ontario Hydro, Union Gas, Bell Telephone,  
City of Hamilton Board of Education,  
Hamilton-Wentworth Separate School Board,  
City Traffic Department,  
City Building Department (subject to rezoning and road access).

The Hamilton-Wentworth Department of Engineering has submitted the following comments:

1. The development of this subdivision is dependent upon sewers and watermains being extended to these lands from both the east and west. Development is also dependent on roadway access being established up to the limits of the subject lands.
2. Lots 1 to 32, 39 to 41 and Blocks "42" to "43" will be serviced to the existing sewers located at Eaglewood Drive and Sinena Avenue. Lots 33 to 38 are to be serviced by sewers to be installed from the west.

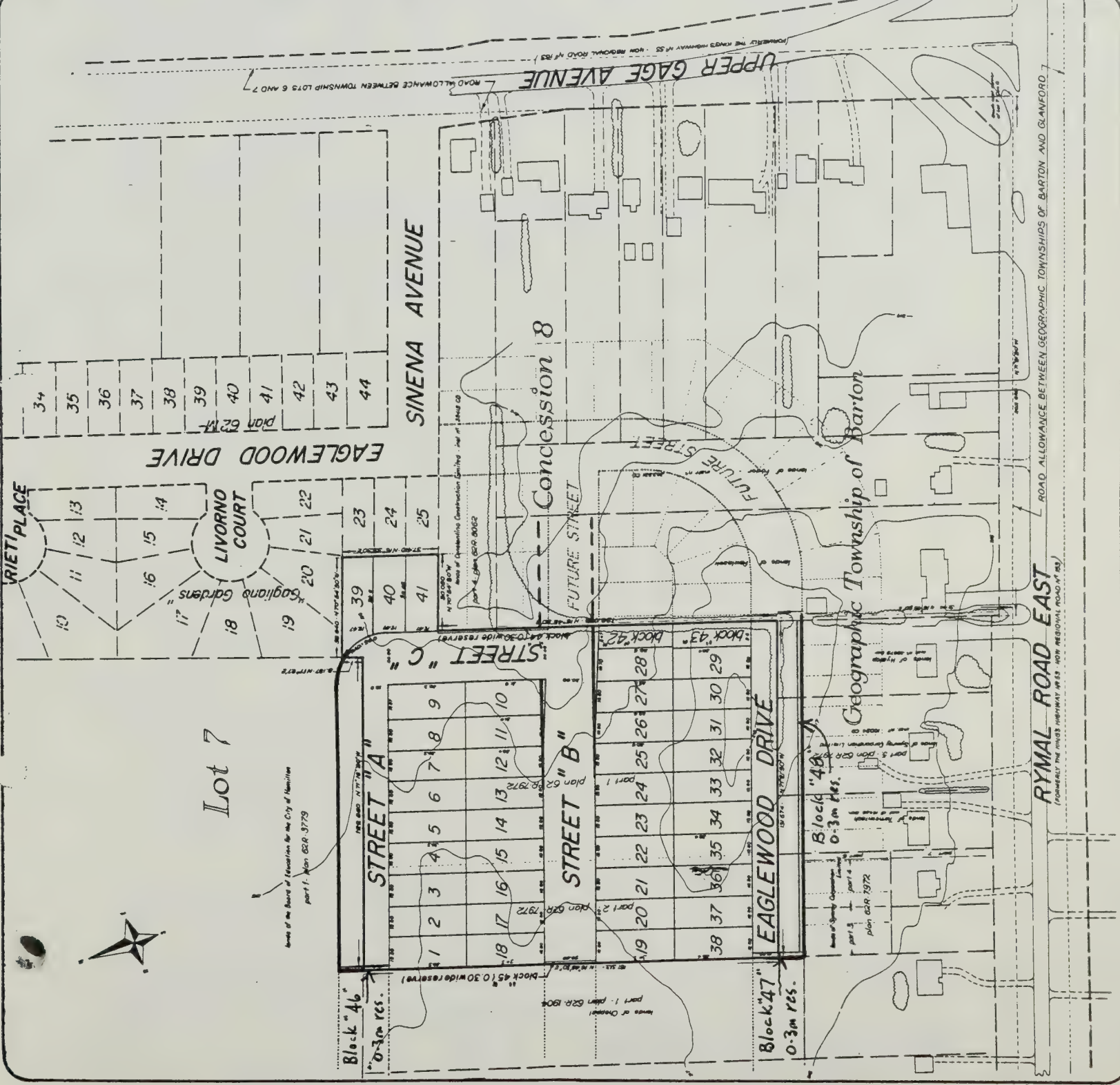
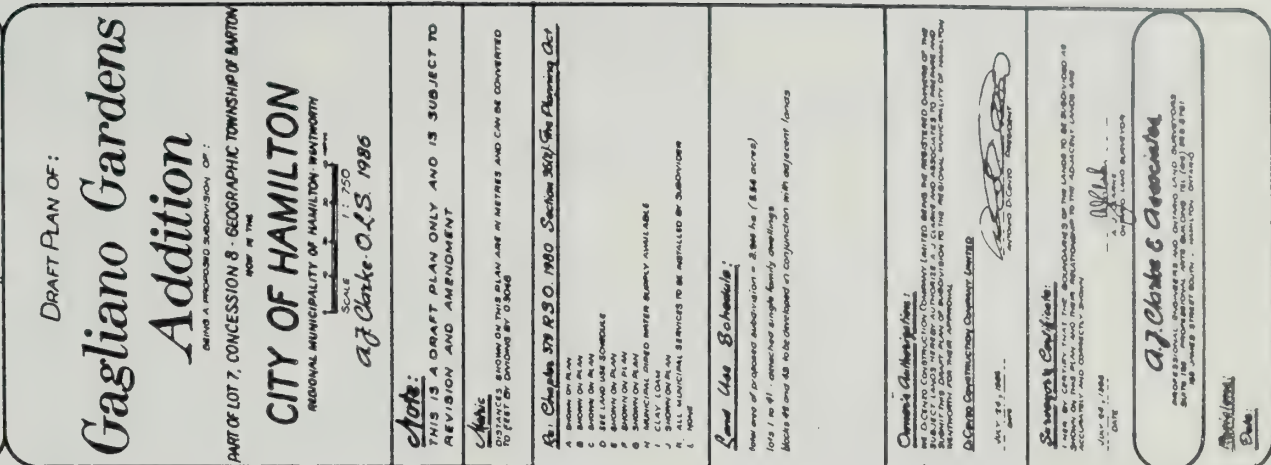
The Region's share of the cost for services in this subdivision is expected to be nil.



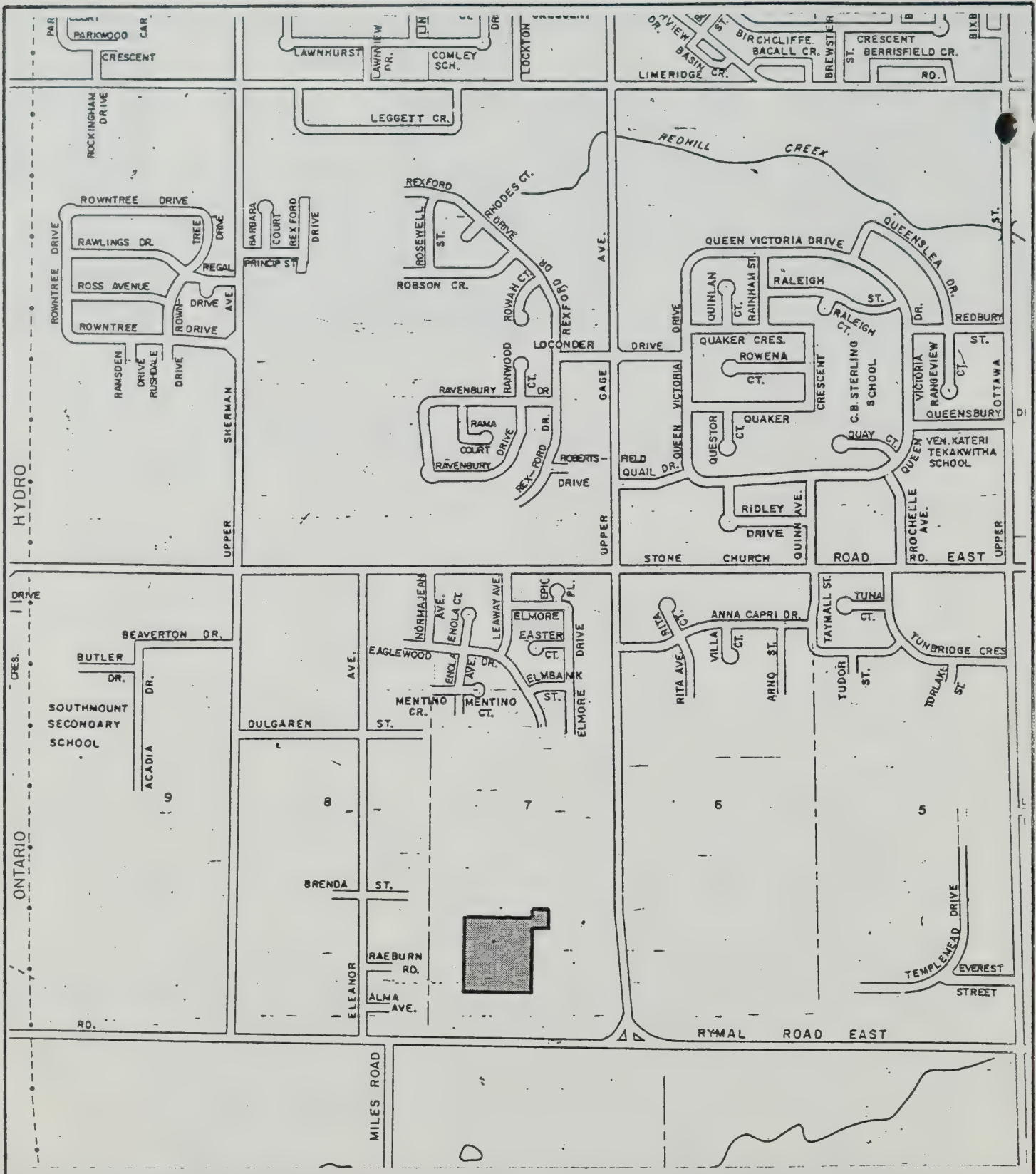
3. Street "A" and Eaglewood Drive are to be established to their full widths prior to or in conjunction with the development of Lots 1 to 9, Lots 29 to 38 and Block "43" respectively. Please note that the City of Hamilton owns sufficient lands along the north limit of Street "A" to establish this road allowance.
4. The proposed neighbourhood plan for the lands to the east proposes a horizontal curve radius for Eaglewood Drive that is well below the minimum 110 metre recommended centre line radius. Therefore, we recommend that prior to the approval of this draft plan, the Neighbourhood Plan should be revised to meet the minimum design considerations as outlined in the attached letter. The alignment of Eaglewood Drive in this proposed draft plan will also have to be revised accordingly.
5. Reserves are to be established at the dead ends and open sides of the road allowances.
6. The Subdivider is to enter into subdivision agreements with the City of Hamilton and the Hamilton-Wentworth Region prior to the development of any portion of the lands.
7. The submitted plan as prepared by A. J. Clarke, O.L.S. and dated July 24, 1986, is satisfactory subject to the above-referenced comments and recommendations."

#### COMMENTS

1. The conformity of the proposal with the Official Plans and the need for an amendment to the zoning by-law to rezone the bulk of the lands is noted.
2. As the lands do not form part of a park or recreational site on the approved neighbourhood plan, it is recommended that the parkland requirement for this subdivision be taken as cash-in-lieu of land.
3. With regard to Item 4 of the Department of Engineering comments, this matter has been resolved and the neighbourhood plan amended by City Council, in dealing with the draft plan of subdivision for the abutting lands to the east, i.e. Eaglewood Manor Subdivision.
4. Minor "red-line" revision to the plan is required to align the easterly end of proposed Street "B" with the street on the draft approved plan to the east, otherwise the proposed draft plan can be supported.







# GAGLIANO GARDENS ADDITION

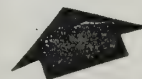
Regional Municipality of Hamilton-Wentworth  
Planning and Development Department

## Legend



PROPOSED SUBDIVISION

North



Scale

1" = 1000'

Date

AUGUST 19, 1986

Reference File No.

25T-86032

Drawing No.

86-H-172

FOR ACTION

19.

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 August 2  
COMM FILE:  
DEPT. FILE: P5-7-1

SUBJECT:

Official Plan Conformity with the Niagara Escarpment Plan - Project Proposal.

RECOMMENDATION

That the Planning and Development Committee recommend to Council that:

- the attached "City of Hamilton Official Plan Conformity with the Niagara Escarpment Plan - Project Proposal" be endorsed;
- the City Clerk be requested to forward the Project Proposal to Regional Council for their endorsement; and,
- upon Regional Council endorsement, the Project Proposal be submitted to the Ministry of Municipal Affairs as the City's formal application for funding to undertake the conformity exercise.

FINANCIAL IMPLICATIONS

Funding will be available from the Ministry of Municipal Affairs for a portion of the projected \$10,000.00 cost of the project.

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

  
J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

EXPLANATORY NOTE

The Ministry of Municipal Affairs has requested the City advise if funding assistance will be required to bring the City's Official Plan into conformity with the Niagara Escarpment Plan (approved June 12, 1985). In response, a project proposal has been prepared which forms the basis for the City's formal application for funding to undertake such an exercise. The Ministry requires the endorsement of the project proposal by the City and Region's Council prior to submission.



## REPORT BACKGROUND

The Niagara Escarpment Plan was approved by the Ontario Cabinet on June 12, 1985. The Niagara Escarpment Planning and Development Act requires that all local official plans be brought into conformity with the Niagara Escarpment Plan. The Minister of Municipal Affairs, on March 30, 1988, issued an order under the Niagara Escarpment Planning and Development Act resolving the conflict between the Hamilton-Wentworth Official Plan and the Niagara Escarpment Plan. The issuing of this order now allows for the various area Official Plans to be brought into conformity. The Ministry of Municipal Affairs is now requesting municipalities to advise if funding assistance is required to bring local Official Plans in conformity.

## PROJECT PROPOSAL

The proposal to undertake the task of bringing the City of Hamilton's Official Plan into conformity with the Niagara Escarpment Plan details the background, purpose and objectives, approach, timing, costs and staffing.

Briefly, this exercise will involve:

- setting up a working committee comprised of staff from the City, the Region, the Ministry of Municipal Affairs and the Niagara Escarpment Commission;
- reviewing the City's Official Plan and the Niagara Escarpment Plan to identify areas where the two conflict;
- identifying the means the conflicts can be best resolved and how to incorporate the policies of the Niagara Escarpment Plan into the City's Official Plan; and,
- responding to the Minister's proposals on resolving the conflicts (previously identified by the working committee).

It is anticipated that this exercise will take approximately six months of elapsed time to complete with the actual time spent to be 42 days of professional staff time. Cost of this task is estimated to be approximately \$10,000.00. The Ministry has indicated that a portion of this study will be eligible for funding assistance.

## CONCLUSION

Given the Minister's request, it is now appropriate to submit the attached Project Proposal to the Ministry of Municipal Affairs as a formal application for funding to undertake the task of bringing the City's Official Plan in conformity with the Niagara Escarpment Plan. The Ministry requires the endorsement of this Project Proposal by City and Regional Councils.



C.F.:nd

W.P. DOC. 0022P

CITY OF HAMILTON OFFICIAL PLAN CONFORMITY

WITH THE

NIAGARA ESCARPMENT PLAN

PROJECT PROPOSAL

Prepared by

The Regional Municipality of Hamilton-Wentworth

Planning and Development Department

on behalf of:

The City of Hamilton

June 1988

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## 1.0 INTRODUCTION

The purpose of this proposal is to:

- define the objectives of the Study;
- define the approach to be taken;
- detail the associated costs, timing and staff requirements; and,
- present a formal request for funding assistance from the Ministry of Municipal Affairs on behalf of the City of Hamilton.

## 2.0 BACKGROUND

The Ontario Cabinet approved the Niagara Escarpment Plan (N.E.P.) on June 12, 1985. This Plan includes land use policies and definitions, development criteria, definitions, provision of a Niagara Escarpment Parks System and implementation procedures all necessary to protect the Niagara Escarpment.

Once the N.E.P. is approved, the Niagara Escarpment Planning and Development Act requires certain actions to be undertaken to bring local Official Plans into conformity with the N.E.P. including:

- identifying the areas where the local Official Plan is in conflict with the N.E.P.;
- resolving, through consultation with the Ministry of Municipal Affairs and the Niagara Escarpment Commission, those areas of conflict identified; and,
- incorporating the necessary changes into the local Official Plan.

The City of Hamilton's Official Plan, approved by the Minister of Municipal Affairs and Housing on June 1, 1982, recognizes the Niagara Escarpment as a unique feature in the community whose attributes should be protected and preserved. In so doing, the policies of the Official Plan reflect those of the draft Niagara Escarpment Plan of 1980. Since that time, and the approval of the N.E.P. in 1985, the Plan was revised and updated. The Hamilton Official Plan will, therefore, require modification to reflect the approved N.E.P.

## 3.0 PURPOSE AND OBJECTIVES

Given:

- the approval of the Niagara Escarpment Plan in 1985; and,
- the policies in the Hamilton Official Plan pertaining to the Niagara Escarpment were based on a previous draft plan,

it is therefore appropriate to undertake a study to bring the Hamilton Official Plan into conformity with the approved Niagara Escarpment Plan.



In this regard, the objectives of this study are to:

- identify, those policies of the City of Hamilton's Official Plan which conflict with the Niagara Escarpment Plan;
- resolve these conflicts by identifying the changes to the Official Plan necessary to bring the Plan into conformity with the Niagara Escarpment Plan; and,
- request the Minister of Municipal Affairs to approve the necessary changes,

all in consultation with the Ministry of Municipal Affairs and the Niagara Escarpment Commission.

#### 4.0 APPROACH

The following approach is proposed as the basis for realizing the above-noted objectives. Since this exercise not only involves the Ministry of Municipal Affairs, Niagara Escarpment Commission and Municipal staff, but the Regional Municipality of Hamilton-Wentworth in the area of conformity with the Region's Official Plan, it appears appropriate to set up a working committee to oversee this exercise.

The staff of the Local Planning Division, who act as consultant for the City of Hamilton, will take a leading role with the working committee in co-ordinating this exercise and ensuring the City's interests are best served.

A three-phased approach is proposed in accordance with the "Niagara Escarpment Plan and Official Plan Conformity" booklet (Ministry of Municipal Affairs - March 1988), and will be organized as follows:

- Phase I - Conflict Identification

The working committee will undertake a detailed review of the City of Hamilton Official Plan and the Niagara Escarpment Plan to determine areas of conflict. This exercise will involve comparing the City's current Official Plan policies and land use designations pertaining to the Niagara Escarpment, with the corresponding policies and designations in the Niagara Escarpment Plan.

- Phase II - Conflict Resolution and Incorporation

The working committee will prepare recommendations on how the conflicts can be resolved and how to incorporate the Niagara Escarpment Plan into the City's Official Plan. These recommendations may include:

- retaining compatible Official Plan provisions;
- making changes to the City's Official Plan and discussing the implications of the Niagara Escarpment Plan policies; and,

- addressing conformity with the Hamilton-Wentworth Official Plan.

A draft document will be prepared detailing the recommended changes which are acceptable to the representatives from Ministry of Municipal Affairs, the Niagara Escarpment Commission, Hamilton-Wentworth Region and the City. This document will form the basis of the Minister's proposal to City Council.

- Phase III - Council Resolution

City Council will be requested to respond to the Minister's proposal by resolution. This will include staff's final review and preparation of the necessary reports to Planning and Development Committee and Council, as well as making the appropriate changes to the Official Plan.

## 5.0 TIMING

It is anticipated that this exercise will take approximately six months of elapsed time to complete. The actual staff time spent during this three month period is estimated to be 42 days of professional staff time.

## 6.0 COSTS

The cost estimate for this exercise, based on the Approach is \$10,000.00 (see see Table attached). This cost estimate consists of a manpower cost figure, based on the average rate by position (e.g. - Planner, Planning Technician) plus cartographic and administrative costs charged by the Region for Planning services.

## 7.0 STAFFING

This exercise is being undertaken by the staff of the Planning and Development Department (Local Planning Branch) of the Regional Municipality of Hamilton-Wentworth who act as planning consultants to the City of Hamilton.

The staff involved will include:

- the Division Head, Policy and Neighbourhood Planning;
- Planner I - Policy Planning and Analysis Section; and,
- Planning Technician - Policy Planning and Analysis Section.

This team will be augmented by the Commissioner, and the Director of Local Planning who will function as advisors.

TABLE I

COST ESTIMATE:

Phase I

Conflict Identification

DH\* 1 day  
PI\*\* 3 days  
PT\*\*\* 5 days

9 days

\$1,900.00

Phase II

Conflict Resolution

DH 4 days  
PI 9 days  
PT 13 days

26 days

\$5,600.00

Phase III

Council Resolution

DH 1 day  
PI 2 days  
PT 4 days

7 days

\$1,500.00

Sub Total

42 days

\$9,000.00

Tech. & Cart.

\$1,000.00

TOTAL

\$10,000.00

\* Division Head - Policy and Neighbourhood Planning.

\*\* Planner I

\*\*\* Planning Technician

2

## Phase I Conflict Identification

1. *Introduction*

.....





Office of the  
Deputy Minister

Ministry of  
Municipal  
Affairs

Ministère des  
Affaires  
municipales

Bureau du  
Sous-ministre

May 11, 1988

His Worship  
Mayor R. Morrow  
City of Hamilton  
71 Main Street West  
Hamilton, Ontario  
L8N 3T4

Dear Mayor Morrow:

I am pleased to provide the attached program outlines for Niagara Escarpment Plan and Official Plan Conformity exercises. The information has been prepared in response to requests received from delegates at the Niagara Escarpment Municipal Forums held at Burlington and Kimberley during November 1987.

Official plan conformity is a very important aspect of the implementation of the Niagara Escarpment Plan. Most importantly for your municipality, the conformity process establishes the relationship of your municipal policies to those of the Niagara Escarpment Plan. This, in turn, forms the basis for greater municipal responsibility for implementation and the control of development.

The initial conformity exercises are almost complete and have provided the experience necessary to streamlining the process. Ministry staff will be contacting your municipality this spring to discuss opportunities for undertaking a conformity exercise for the City of Hamilton Official Plan. Once you have had an opportunity to consider the attached outline, I would appreciate being advised if your municipality will require funding assistance to participate in the conformity exercise.

PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH				
TO	STAFF	INIT.	INFO.	ACT.
DIR.	KA	PA		
PP & A	AG			
NEIGH.				
DEV.				
E & U.D.				
S T A F F				
CART.				
ADMIN.				

777, rue Bay  
Toronto, Ontario  
M5G 2E5

777, rue Bay  
Toronto (Ontario)  
M5G 2E5

His Worship R. Morrow

Ministry and Niagara Escarpment Commission staff are always available to answer your questions regarding Official Plan Conformity or any other aspect of the Niagara Escarpment Program. They may be reached at the numbers listed at the back of the program outline.

Yours truly,

ORIGINAL SIGNED BY:  
DONALD A. OBONSAWIN

Donald A. Obonsawin  
Deputy Minister

cc. Mr. V. Abraham, Director of Planning,  
City of Hamilton

SEQ. N/A  
LINDA TENNANT  
PAB C&SW

MINISTRY OF MUNICIPAL  
AFFAIRS

MAY 2 1988  
ASSISTANT DEPUTY MINISTER  
COMMUNITY PLANNING



# **THE NIAGARA ESCARPMENT PLAN AND OFFICIAL PLAN CONFORMITY**

**MINISTRY OF MUNICIPAL AFFAIRS**

**MARCH 1988**



**Ontario**

**Ministry of  
Municipal  
Affairs**





THE NIAGARA ESCARPMENT PLAN  
AND  
OFFICIAL PLAN CONFORMITY

MINISTRY OF MUNICIPAL AFFAIRS

MARCH 1988

## INTRODUCTION

The Niagara Escarpment Plan was approved by cabinet on June 12, 1985. It contains land use policies and designations, development criteria, definitions, provisions for a Niagara Escarpment Parks System, and directions for implementation.

Plan policies deal specifically with those aspects of planning necessary to protect the Niagara Escarpment. In many respects, these policies are similar to those found in municipal official plans. They were designed this way so that they could be included in local official plans through a conformity exercise.

The Ministry of Municipal Affairs is responsible for bringing official plans into conformity with the Niagara Escarpment Plan, and is assisted by the Niagara Escarpment Commission. This enables the Ministry to co-ordinate the conformity exercise with other municipal initiatives (such as the preparation of a new official plan, or a major update or the resolution of unapproved portions of existing official plans).

We know you have questions about the relationship of your municipal plan and the Niagara Escarpment Plan, and the conformity process. This publication is designed to answer many of them and to discuss why and how these policies will be introduced into your official plan through a conformity exercise.

## WHAT IS CONFORMITY?

The Niagara Escarpment Planning and Development Act sets out provisions respecting municipal official plans, by-laws and undertakings. The Implementation Proposals released with the Niagara Escarpment Plan summarize these provisions:

No municipality or local board, and no ministry shall undertake any improvement of a structural nature or any undertaking that conflicts with the Plan.

No by-law shall be passed that conflicts with the Plan.

The Minister of Municipal Affairs upon application of a council, may deem a by-law, improvement or undertaking as not being in conflict with the Plan.

The provisions of the Niagara Escarpment Plan prevail over a municipal official plan or a by-law where conflict exists.

Simply put, the provincial plan does not completely override a municipal document; but does prevail in situations of conflict. Therefore, it is necessary to identify conflict to determine the policies applicable to each municipality. For instance, conflict may be found where municipal severance policies are more permissive, where there are differences in mapping and land use designations or definitions used, or perhaps with the overall intent of a policy.

Section 15 of the Act sets out a process for conflict identification and resolution. This process is called the conformity exercise.

### WHAT IS THE PROCESS?

Under Section 15 of the Act, the Minister of Municipal Affairs is responsible for identifying conflicts between an official plan or zoning by-law and the Niagara Escarpment Plan, and initiating actions to resolve them.

The process for achieving conformity is described as follows:

Ministry staff consult with the municipality to determine format and time-frame;

Ministry staff, assisted by the Niagara Escarpment Commission and municipal representatives, establish a mechanism to resolve conflict;

The Minister advises council of the particulars of the conflict and makes a proposal for resolution of it; and

Following council consideration, the Minister amends the official plan to incorporate the Niagara Escarpment Plan provisions by Order under the Niagara Escarpment Planning and Development Act, and/or an approval or further approval, with modifications, under the Planning Act.

**Consultation** is the key to this process. Before undertaking a conformity exercise, Ministry staff will initiate discussions with the municipality to determine the timing and format for the exercises.



These discussions include matters such as:

will the process fit the municipality's work program?

will planning staff or a consultant represent the municipality?

how will the local, or regional municipality, or county be involved?

when will the process start?

The Ministry emphasizes the importance of this exercise to produce a quality policy document as responsive as possible to local planning policy. It requires the coordination and cooperation of the municipality (local and regional or county), other Ministry branches, the Niagara Escarpment Commission, often other Ministries and agencies and, on occasion, the public or other private interests. It may take several months to complete.

## WHAT ARE THE ROLES AND RESPONSIBILITIES?

The Ministry of Municipal Affairs' Niagara Escarpment Implementation Team, assisted by the Niagara Escarpment Commission, is responsible for coordinating conformity exercises.

For most exercises, a working committee consisting of Ministry, Commission, and region or county and/or local municipal representatives has been established to identify and prepare recommendations to resolve conflict. Another method may be more appropriate for your municipality.

However, roles and responsibilities will be similar.

The Ministry of Municipal Affairs, with assistance from the Niagara Escarpment Commission, will coordinate the process and provide interpretation of the Niagara Escarpment Plan. The Ministry will prepare the Minister's proposal to council and the amending Order and/or Planning Act approvals, with needed legal advice provided by Legal Branch, Ministry of Municipal Affairs.

County / region / local municipal representation will vary depending on the documents involved and the format developed for the conformity process.

Municipal representatives will interpret official plan policies for conflict identification, participate in the resolution of issues, and recommend how to resolve conflict and incorporate the Niagara Escarpment Plan into the official plan. The representative will also be responsible for liaison with council.

Region / county representatives will also be responsible for liaison with local municipalities during a regional / county official plan process where local representation may not be required. Where a regional or county official plan exists, the region / county will be represented during local official plan processes to interpret regional / county official plan policies and to ensure proposed changes conform to the upper-tier official plan.

## HOW WILL CONFORMITY AFFECT THE OFFICIAL PLAN?

The proposed method of achieving conformity is incorporation of the Niagara Escarpment Plan into the official plan by Minister's Order under Section 15(2) of the Niagara Escarpment Planning and Development Act. However, other methods such as approval or further approval under the Planning Act may also be used, where appropriate.

The Minister's Order is used to amend approved official plans. This means official plans previously approved by the Minister will be changed without requiring an official plan amendment under the Planning Act. Public meetings or notices are not mandatory for changes made by Order. Therefore, care is taken to ensure that compatible official plan policies remain in effect, and that new policies beyond those of the Niagara Escarpment Plan are not introduced.

Approvals under the Planning Act will be used to resolve conflict with official plans that are not yet approved. This process may provide greater scope for revisions or additions to official plan policy, since these are still open to modification. Such a situation may occur during the preparation of a new official plan or major official plan update, or where portions of the official plan have been deferred. In this case, normal procedures under the Planning Act would apply.

The continuity of the Niagara Escarpment Plan and the uniform application of policy are important. Therefore, incorporation will involve those parts of the Niagara Escarpment Plan which can easily be included in the local official plan, such as land use policies and designations, development criteria, and definitions. In most cases, a summary of the parks policies will also be included.



The extent of the incorporation or detail incorporated into the official plan from the Niagara Escarpment Plan will depend on the form and function of the official plan.

For example, where both a regional or county official plan and a local official plan exist, incorporated provisions may be "split" between the two documents to reduce redundancy. The regional or county official plan may contain land use policies and designations, while the local official plan might include the development criteria and more detailed policies for specific areas such as Urban Areas, Minor Urban Centres or Escarpment Recreation Areas.

For incorporation, the exact wording of the Niagara Escarpment Plan may be used, or an alternative wording may be considered to reflect local circumstances if:

- changes are of a minor nature;
- changes maintain the general intent and purpose of the Niagara Escarpment Plan; and
- changes do not conflict with other provincial policies.

Conflict may be identified in situations where the existing official plan provisions allow a use not permitted by the Niagara Escarpment Plan. Conflict might also be identified where the official plan does not address a specific aspect of the development or environment included in the Niagara Escarpment Plan.

It is important to remember that the Niagara Escarpment Plan will be considered a minimum standard against which local plans will be evaluated.

Resolution of conflict establishes the relationship between existing official plan policies and the Niagara Escarpment Plan. To council, this is an important product of the exercise since it details which official plan policies will apply in specific situations or areas, and which will not.

## HOW WILL THE CONFORMITY EXERCISE WORK?

The conformity exercise undertaken by the working committee of Ministry of Municipal Affairs, Niagara Escarpment Commission and municipal staff will normally consist of three phases:

- Phase I - Conflict identification
- Phase II - Conflict resolution and incorporation
- Phase III - Council resolution

### I Conflict Identification

The committee will conduct a detailed review of the official plan and the Niagara Escarpment Plan to determine areas where conflict exists. The applicable official plan land use designations and policies will be compared to the corresponding land use designations and policies of the Niagara Escarpment Plan.

### II Conflict Resolution and Incorporation

The committee will then prepare recommendations on how to resolve the conflict and incorporate the Niagara Escarpment Plan into the official plan. These may retain compatible official plan provisions, include minor changes to the Niagara Escarpment Plan policies, and also address regional or county official plan conformity. A draft document detailing the changes or approach, acceptable to the Ministry, the Niagara Escarpment Commission and the municipal representatives will be prepared. This document will be the basis of the Minister's proposal to council.

### III Council Resolution

Council will be requested to respond to the Minister's proposal by resolution.

WHEN WILL OUR OFFICIAL PLAN BE SCHEDULED?

There are 32 official plans affected by the Niagara Escarpment Plan.

Initially, the Ministry targeted regional and county official plans and other municipalities where relatively new documents existed or major updates were being prepared under the Planning Act. These are now well on their way to completion and additional exercises are being initiated.

The next phases will include the remaining local official plans in the regions; local official plans in the counties; and new official plans or updates as they are prepared. If your municipality has yet to begin its conformity exercise, Ministry staff will contact you to discuss a schedule and work program.

HOW DOES "DEEMING" RELATE TO THE CONFORMITY EXERCISE?

Section 13(2) of the Niagara Escarpment Planning and Development Act allows the Minister, upon application by council, to deem a by-law, improvement or other undertaking (such as an official plan or amendment) as not being in conflict with the Niagara Escarpment Plan.

Deeming could be used when a conformity exercise is completed as assurance conflict has been resolved. Deeming will likely be used where there are no outstanding issues or deferrals to be resolved.

A deeming request should be made by council resolution. If the Minister is satisfied there are no conflicts with the Niagara Escarpment Plan, a deeming letter will be signed by the Minister. The letter may be included in the official plan in the same way as a Planning Act approval certificate.



**ANY QUESTIONS?**

For further information on the Conformity Exercises or other aspects of the Plan or its implementation, reference should be made to the Niagara Escarpment Planning and Development Act, the Plan and Implementation Proposals. Questions may also be directed to the Ministry or Niagara Escarpment Commission staff.

**CONTACTS AND RESOURCES:**

Ministry of Municipal Affairs  
Niagara Escarpment Program

Sarah Fraser  
Manager

(416) 585-6072

Niagara Escarpment Commission  
Plan Administration

Cecil Louis  
Manager

(416) 877-5191

F O R   A C T I O N

20

REPORT TO:      SUSAN REEDER, SECRETARY  
                         PLANNING AND DEVELOPMENT COMMITTEE

FROM:            J. D. THOMS, COMMISSIONER  
                         PLANNING AND DEVELOPMENT DEPARTMENT

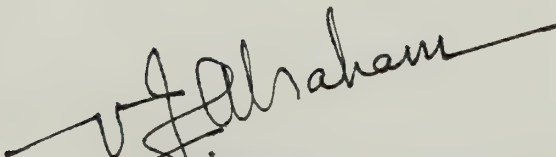
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DEPT. FILE: 4480

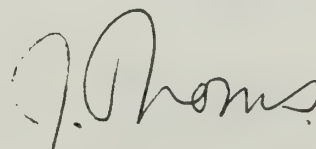
SUBJECT:

Student Housing Task Force Recommendation - Publication of an Information Brochure.

RECOMMENDATION

1. That City Council direct the Planning and Development Department to include in the Department's 1989 Work Program, the preparation of a brochure for the general public containing:
  - a synopsis of the following City By-laws: Garbage and Snow Removal, Noise, Backyard and Property Standards, etc.; and
  - the name and phone number of the departments which enforce the By-laws.
2. That the City Council request McMaster University, with technical assistance from the City of Hamilton, to continue to publish brochures for students addressing the following:
  - \* outlining the students' rights and obligations under the City of Hamilton By-laws (Property Standards, Backyard, Noise, Traffic, Zoning and Licencing (Lodging Home), etc.);
  - \* listing the various City/Regional Departments and their responsibilities, and where a person can register a complaint;
  - \* promoting families to accept students as boarders;
  - \* hints on being a "good neighbourhood"
  - \* encouraging landlords and lodging home operators to assign and include in rental/lease agreements or other relevant documents, responsibilities for matters such as yard maintenance/snow shovelling, and to outline the number and locations of legal parking spaces per dwelling.

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

  
J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

## FINANCIAL IMPLICATIONS

Preparation of the Brochure	- \$2,100
Printing of 5000 brochures	- \$3,000

## BACKGROUND

At its meeting of June 15, 1988, the Planning and Development Committee requested the Planning and Development Department to investigate the cost of publishing an information brochure for distribution to the general public. The brochure would contain:

- a) a synopsis of the City of Hamilton By-laws relating to property; and,
- b) a list of the affected City/Regional Departments.

Recently, McMaster University prepared a similar brochure which gives a brief overview of the nature of the West Hamilton/Westdale Community, applicable City By-laws, and some tips on being a "good neighbour". The brochure is designed for students and the information contained within is oriented towards a students lifestyle. In addition, the University has a second brochure for students entitled "Housing in Hamilton". This brochure focuses on the Landlord and Tenant Act with some information on City By-laws.

Since both of the University brochures are for students, they do not contain sufficient information for general public interest and distribution.

On this basis, the City should publish an independent brochure for the public at large. The brochure should contain a brief synopsis on the following City By-laws as well as the City/Regional Departments which are responsible for enforcing them, and the applicable phone numbers:

- Snow Removal
- Garbage Removal
- Noise By-law
- Property Standards By-law
- Backyard By-law

## COSTS:

To prepare and publish the brochure, the following staffing and cost estimates have been identified.

### STAFF REQUIREMENTS

- Professional Staff  
(6 days)
- Support Staff  
(8 days)

STAFF COSTS	(14 days)	\$2,100
PRINTING	(5000 copies)	\$3,000

CONCLUSION

Since the printing costs and staff resources for this project have not been included in this years work program, the preparation of the brochure would require that other planning projects be put on hold. In addition, there are no funds available within the department's budget for printing. Accordingly, it is more appropriate to include the preparation of the brochure in the 1989 Work Program.

In addition, to complement this initiative, McMaster University should be encouraged to continue publishing its brochures for students.

JH:ma/dkp

WP 0144P





FOR ACTION

21

REPORT TO: SUSAN REEDER, ACTING SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

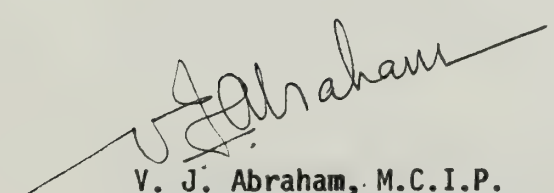
DATE: 1988 August 09  
COMM FILE:  
DEPT. FILE: ZA-88-24  
Butler Neighbourhood

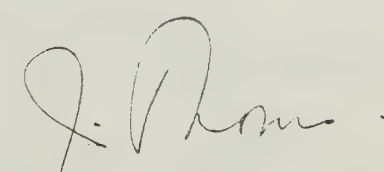
SUBJECT:

An amended application requesting a change in zoning - northeast corner of Upper Wentworth Street and Rymal Road East.

RECOMMENDATION

- (a) That amended Zoning Application 88-24, Arthur Weisz, owner, requesting a change in zoning from the "AA" (Agricultural) District to the "G - 1" (Designed Shopping Centre) District for property located at the northeast corner of Upper Wentworth Street and Rymal Road East, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:
- i) The proposal conflicts with the intent of the Official Plan and the approved Butler Neighbourhood Plan which designate the lands for "Residential" use.
  - ii) It would set a precedent for future similar applications.
  - iii) There is an adequate supply of commercially designated/zoned land in the surrounding area to serve the needs of the residents in the neighbourhood.

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

  
J. D. Thoms, M.C.I.P.,  
Commissioner  
Planning & Development

FINANCIAL IMPLICATIONS

N/A

## BACKGROUND

### ● Proposed Development

The applicant has amended the application and proposes to develop a retail shopping plaza having between 9,290 m<sup>2</sup> (100,000 sq. ft.) and 13,935 m<sup>2</sup> (150,000 sq. ft.) of floor space on approximately 4.8 ha (12 ac.) of land.

### ● Zoning Application 81-29)

A previous zoning application (i.e. 81-29 The Effort Trust Co.) was submitted for lands located along Rymal Road East at the intersections of both Upper Sherman Ave. and Upper Wentworth Street, including part of the subject lands, requesting a similar change in zoning from the "AA" (Agricultural) District to the "G-1" (Designed Shopping Centre) District.

At its meeting of June 17, 1981, the Planning and Development Committee directed that the application be circularized. A Public Meeting was held with respect to the application on September 30, 1981. The Committee decided to table the zoning application and directed the Planning Department staff to undertake a complete review of the Butler Neighbourhood Plan, carefully examining the supply of commercial land already designated in the area as well as the proposed schedule of servicing.

The file was eventually closed in July 1984.

### ● Secondary Plan Commercial Design Standards

The purpose of the "Secondary Plan Commercial Design Standards" report was as follows:

- to review the characteristics of the existing commercial facilities on the Mountain; and,
- to provide a set of standards to assist the neighbourhood planning process in the allocation of future commercial areas in neighbourhood plans.

The study culminated with the adoption of O.P.A. #7 which was approved by the Ministry of Municipal Affairs and Housing on April 15, 1985. O.P.A. #7 introduced a number of design standards to guide the neighbourhood planning process in the distribution of Shopping Centres. The preferred locations of each type of Shopping Centre (i.e. Community Shopping Centre; Neighbourhood Shopping Centre; and Convenience Shopping Centre) are illustrated on Schedule "B-2" of the Plan (see APPENDIX "C"). It should be noted, that the subject lands are not so designated.

### APPLICANT

Arthur Weisz, owner.

### LOT SIZE AND AREA

The subject property is irregularly shaped having approximately:

- 356.46 M (1,169.5 feet) of frontage along Rymal Road East;
- 302.81 M (993.5 feet) of frontage along Upper Wentworth Street; and,
- 9.47 ha (23.42 acres) of lot area.

However, only 4.8 ha (12 ac.) are affected by the application.

### LAND USE AND ZONING

	<u>Existing Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Vacant	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the North	Vacant	"AA" (Agricultural) District
to the South	Vacant and single-family dwellings	"AA" (Agricultural) District
to the East	Vacant, hydro corridor and single-family dwellings	"AA" (Agricultural) District
to the West	Vacant, barn and dwelling unit	"AA" (Agricultural) District

### OFFICIAL PLAN

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept of the Official Plan. The proposal does not comply with the intent of the Plan and would require a site specific amendment to redesignate the lands to "COMMERCIAL".



Schedule "B-2" - Other Special Policy Areas of the Plan identifies the preferred location of various types of Shopping Centres for the Hamilton Area south of the proposed freeway. The subject property is not identified for any type of shopping centre. Given the proximity of the site to other identified areas and the lack of a demonstrated need for the proposal, it conflicts with the intent of the Plan.

#### NEIGHBOURHOOD PLAN

The subject lands are designated for "Single and Double" Residential, "Attached Housing" and "Low Density Apartments" in the approved Butler Neighbourhood Plan, the proposal does not comply. Approval of the application would require an amendment to the plan to redesignate the lands to "Commercial".

#### HAMILTON-WENTWORTH OFFICIAL PLAN

The subject lands are within the "Urban Policy Areas" and identified as "Residential and Related Uses" on Map No. 1 of the Hamilton-Wentworth Official Plan.

The proposal would not conflict with the intent of the Plan, provided it does not exceed approximately 23,000 m<sup>2</sup> (250,000 sq. ft.) of gross leasable retail / commercial floor space.

#### RESULTS OF CIRCULARIZATION

- The following agencies have no comment or objection:

- Trans Canada Pipelines;
- Building Department;
- LACAC; and,
- The Hamilton Region Conservation Authority.

- The Traffic Department has advised as follows:

"The proposed development would eliminate the midblock collector street that is intended to provide future signalized access to the neighbourhood from Rymal Road. It would also require significant changes in the road pattern shown in the approved neighbourhood plan. We recommend that any development of the subject lands, whether in accordance with the neighbourhood plan or not, include this midblock collector street.

The completed development, as proposed, will generate peak hour traffic volumes that will warrant roadway improvements such as separate left turn lanes on both Upper Wentworth Street and Rymal Road.

Specific comments regarding the detailed design of the access, parking and layout of the proposed development will be provided at the site plan control stage of development, should the application be approved."

- The Hamilton-Wentworth Department of Engineering has advised as follows:

"A municipal water supply is available.

Sewer service to the area is to be available for part of the site this year and the remainder likely in a year or two.

Road widening will be required on both Upper Wentworth Street and Rymal Road but these can be dealt with at the site plan stage.

Additional traffic studies on co-ordinating this development with road construction and on cost sharing for these works will be undertaken in the future if the zoning is approved.

The proposed land use is completely contrary to the approved Neighbourhood Plan. We, therefore, recommend that the application, if not denied, be tabled for a review of the neighbourhood plan, and the required official plan studies.

It is essential that this application be dealt with in the near future because the sewer construction proposed for later this summer will likely have to be changed if the zoning is approved."

#### COMMENTS

1. The proposal does not comply with the Official Plan and, if approved, would require an amendment to redesignate the subject lands from "RESIDENTIAL" to "COMMERCIAL".
2. The proposal does not comply with the approved Butler Neighbourhood Plan and would require an amendment to redesignate the subject lands to "Commercial".
3. The proposal can not be supported for the following reasons:
  - it conflicts with the intent of the Official Plan;
  - it conflicts with the intent of the approved Butler Neighbourhood Plan which designates the lands for "Residential" Uses (i.e. Single and Double, Low Density Apartments, and Attached Housing);

- as illustrated by APPENDIX "B", there is an adequate supply of commercially designated/zoned land in the surrounding area to serve the needs of the residents of the neighbourhood.

For example, there is a 3.41 ac. block of commercially zoned land ("G-1") located approximately 300m (1,000 ft.) north of the subject property, on the west side of Upper Wentworth Street; a 6.0 ac. block of commercially zoned land ("G-1") located approximately 457m (1,500 ft.) east of the subject property, on the northeast corner of Upper Sherman Avenue and Rymal Road East; a 2.0 ac. block of commercially designated land located approximately 1,372 m (4,500 ft.) northeast of the subject property at the southeast corner of Upper Sherman Avenue and Stone Church Road East; and a 1.9 ac. block of land to be zoned "G-1" Commercial (pending Council approval) located opposite the subject property on the northwest corner of Upper Wentworth Street and Rymal Road East;

- the applicant has not justified the need for additional commercial land; and,
  - it would set a precedent for future similar applications.
4. It should be noted, that if the application is to be approved it will be necessary to schedule a Public Meeting in accordance with the requirements of the Planning Act.

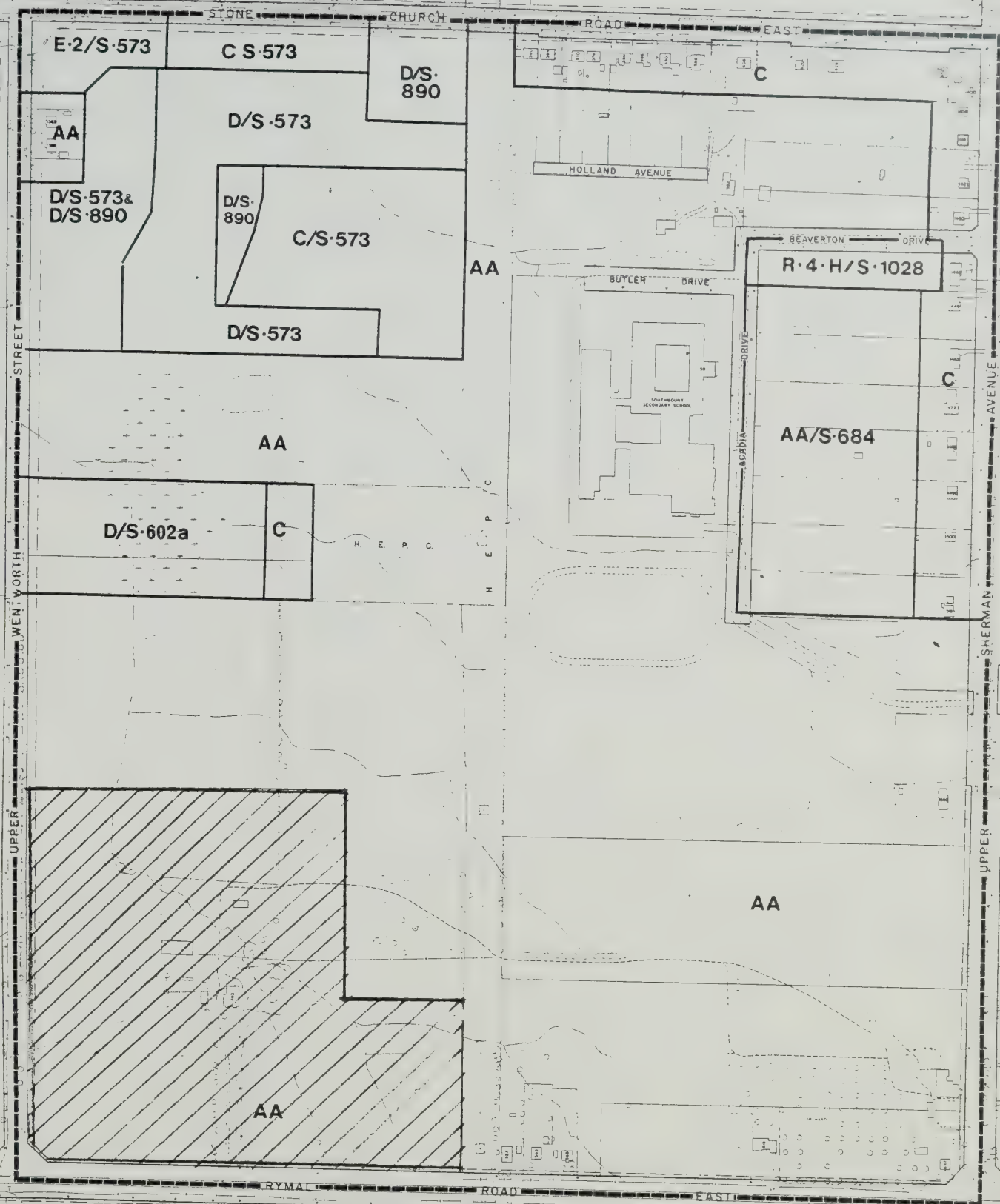
#### CONCLUSION

On the basis of the foregoing, the application can not be supported.

PDM:bk/dkp

W.P. 0217P





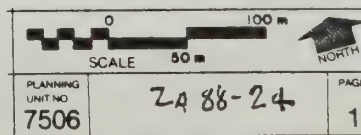
# LEGEND.



SITE OF THE APPLICATION (ORIGINAL)

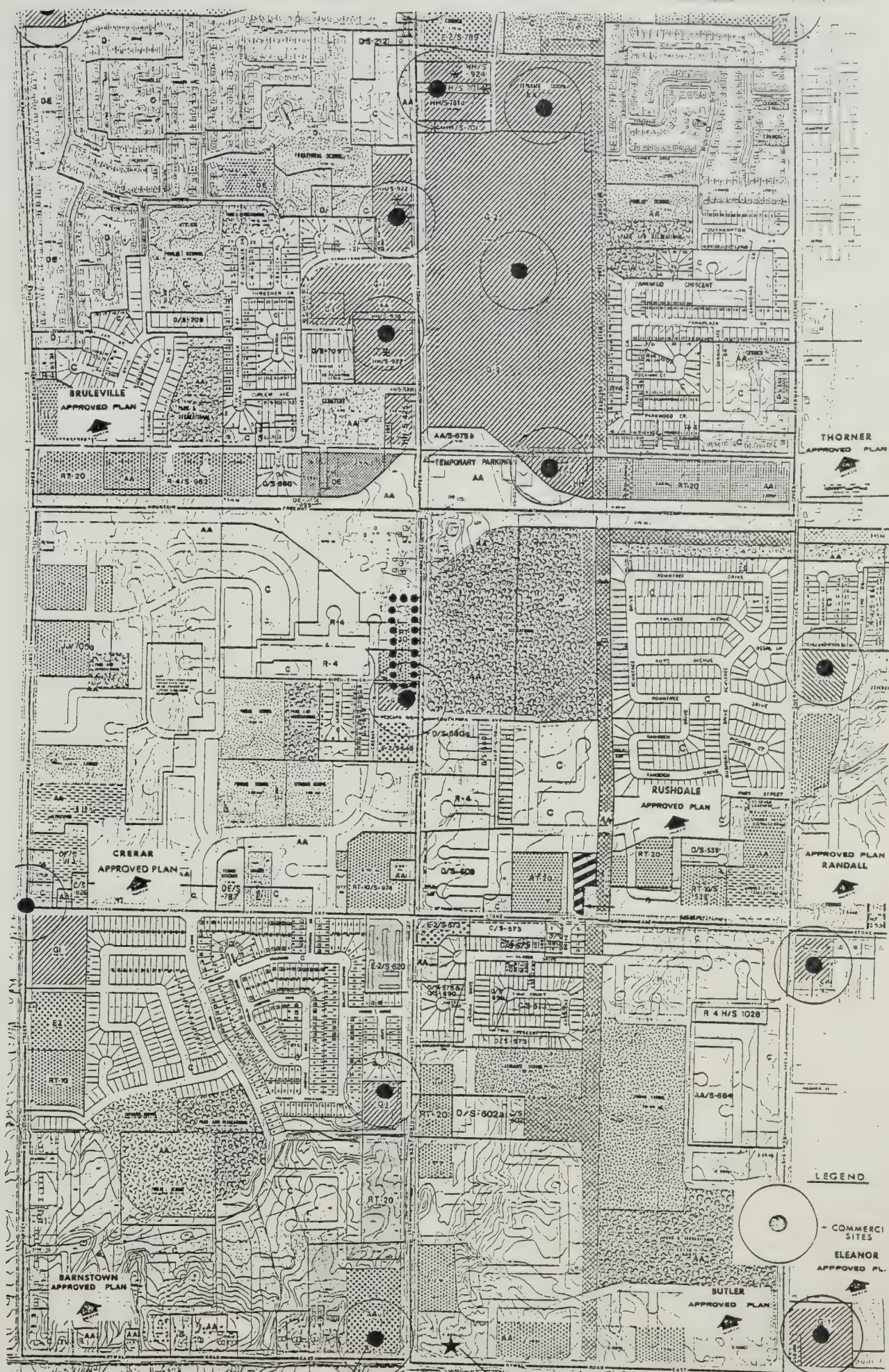
SITE TO BE REDUCED TO 12 ACRES.

## APPENDIX A









PENDING COUNCIL  
APPROVAL

SITE OF  
APPLICATION











F O R   A C T I O N

22

REPORT TO:        SUSAN REEDER, SECRETARY  
                 PLANNING AND DEVELOPMENT COMMITTEE

FROM:             J. D. THOMS, COMMISSIONER  
                 PLANNING AND DEVELOPMENT DEPARTMENT

DATE:    1988 August 8  
COMM FILE:  
DEPT. FILE: ZA-88-40  
             Ryckmans  
             Neighbourhood

SECOND REPORT

SUBJECT:

Request for changes in zoning for the property located at Nos. 1379 - 1383 Upper James Street.

RECOMMENDATION

(a) That approval be given to Official Plan Amendment No. 60 to redesignate the rear portion of the lands municipally known as Nos. 1375 to 1417 Upper James Street (inclusive) from "Residential" and "Open Space" to "Commercial" and to extend Special Policy Areas 31 and 31b to correspond with the "Commercial" designation and the City Solicitor be directed to prepare a By-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth.

(b) That approval be given to Zoning Application ZA-88-40, J. and A. Riccio Developments Ltd., owner requesting changes in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, modified, to permit the development of the subject lands for a proposed 1 storey 2787 m<sup>2</sup> (30,000 sq.ft.) plaza containing retail and warehouse commercial uses, for the properties located at Nos. 1379-1383 Upper James Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the amended By-law apply the holding provisions of Section 35(1) of the Planning Act R.S.O. 1983 to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until municipal sewers are installed.

Removal of the holding restriction shall be conditional upon the installation of municipal sewers serving the subject lands and passage of an amending By-law. City Council may remove the 'H' symbol, and thereby give effect to the "HH" provisions as stipulated in this By-law by enactment of an amending By-law once municipal sewers have been installed.

- ii) That Block "1" be rezoned from "AA" (Agricultural) District to "HH" - 'H' (Restricted Community Shopping and Commercial) District.

- iii) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" - 'H' (Restricted Community Shopping and Commercial) District.
- iv) That the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations as contained in Section 14A of Zoning By-law No. 6593 be modified to include the following variance as a special requirement:
  - a) That notwithstanding Section 14A(1)(c) and Section 14(1)(xvii), the storage of goods to be manufactured, assembled or sold may occupy a maximum of 50% of the floor area.
  - b) That notwithstanding Section 14A(3)(a) a front yard of a depth of at least 24.0 m shall be provided.
- v) That a minimum 3.0 m wide planting strip and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained along the easterly rear lot line and the southerly side lot line.
- vi) That a minimum 1.5 m wide planting strip and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height shall be provided and maintained along the northerly side lot line where it adjoins a residential district.
- vii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map be notated S- ;
- viii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9C for presentation to City Council.
- ix) That the proposed changes in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Amendment No. 60 by the Regional Municipality of Hamilton-Wentworth.

#### EXPLANATORY NOTE

The purpose of this By-law is to provide for changes in zoning for the properties located at Nos. 1379-1383 Upper James Street on the following basis:

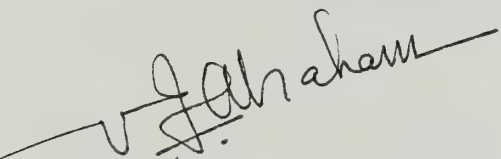
- Block "1"      Change in zoning from "AA" (Agricultural) District to "HH" - 'H' (Restricted Community Shopping and Commercial) District, modified;
- Block "2"      Change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" - 'H' (Restricted Community Shopping and Commercial, etc.) District, modified;

as shown on the attached map marked as APPENDIX "A". The amending By-law applies the holding provisions (as denoted by the 'H' suffix) of Section 35(1) of the Planning Act to the subject lands. This provision will prohibit the development of the lands until municipal sewers are installed. Once the sewers are available, City Council may remove the 'H' symbol by passing the amending By-law.


The effect of this By-law is to permit the development of the subject lands for a proposed retail plaza having a gross floor area of approximately 2,787 m<sup>2</sup> (30,000 sq.ft.) and containing retail and warehouse commercial uses.

In addition, the By-law provides for the following variances as special requirements:

- permits storage of goods to occupy a maximum of 50% of the floor area which may be used for storage purposes whereas 25% is currently permitted;
- requires a 3.0 m wide landscape strip and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height to be provided and maintained along the easterly rear lot line, and southerly side lot line;
- requires a minimum 1.5 m wide planting strip and visual barrier not less than 1.2 m in height and not greater than 2.0 m in height to be provided and maintained along the northerly side lot line where it adjoins a residential district; and
- requires a minimum 24.0 m building setback from the front lot line.



V. J. Abraham, M.C.I.P.  
Director of Local Planning



J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

#### BACKGROUND

At its meeting of July 13, 1988 the Planning and Development Committee tabled the subject application for one (1) month (August 17th meeting), and directed staff to meet with the applicant and adjoining property owners (Smiths) with the aim of resolving their concerns.

A meeting was held on Monday, July 25, 1988 at which time the following matters were discussed:

- the need for a landscape strip and fence between the properties;
- the potential impact (eg. visual) of a retaining wall between the properties;
- implementation of the "Urban Design Guidelines - Upper James Street Corridor" respecting landscaping, the front service road and associated building setbacks.

It should be noted, that the concept of a land assembly was discussed, however, it does not appear to be feasible at this time.



Subsequently, the Smiths met with staff on August 3, 1988 and advised of their intent to apply for a similar change in zoning to the "HH" (Restricted Community Shopping and Commercial) District (see APPENDIX "B"). In this regard, the Smiths have acknowledged that most of their concerns would be abated by the submission of a zoning application. However, they have requested "... that this Committee reserve their decision to rezone 1379-1383 until we can submit our application for commercial zoning of 1375, at the next possible meeting."

## COMMENTS

### 1. Planting Strip and Visual Barrier

Originally, the Smiths had requested the provision of a minimum 3.0 m (9.84 foot) wide planting strip and a visual barrier between the properties, whereas, the applicant was prepared to provide a minimum 1.5 m (4.97 foot) wide planting strip and visual barrier.

Considering that the Smiths intend to apply for a change in zoning to "HH" (Restricted Community Shopping and Commercial) District, and their lands are designated for "Commercial and Retail Warehouse" under the approved Ryckmans Neighbourhood Plan, they recognize that the provision of a planting strip and visual barrier between the properties would be redundant, provided that their rezoning application is approved.

If the Smiths application is unsuccessful, the applicants proposal would be adequate to mitigate potential impacts on the continued residential use of their property. In this regard, such a requirement should only apply if the adjoining property is still zoned residential at the time the applicant's lands are commercially developed. Consequently, it is not necessary to reserve a decision on the subject application as requested by the Smiths.

### 2. Urban Design Guidelines

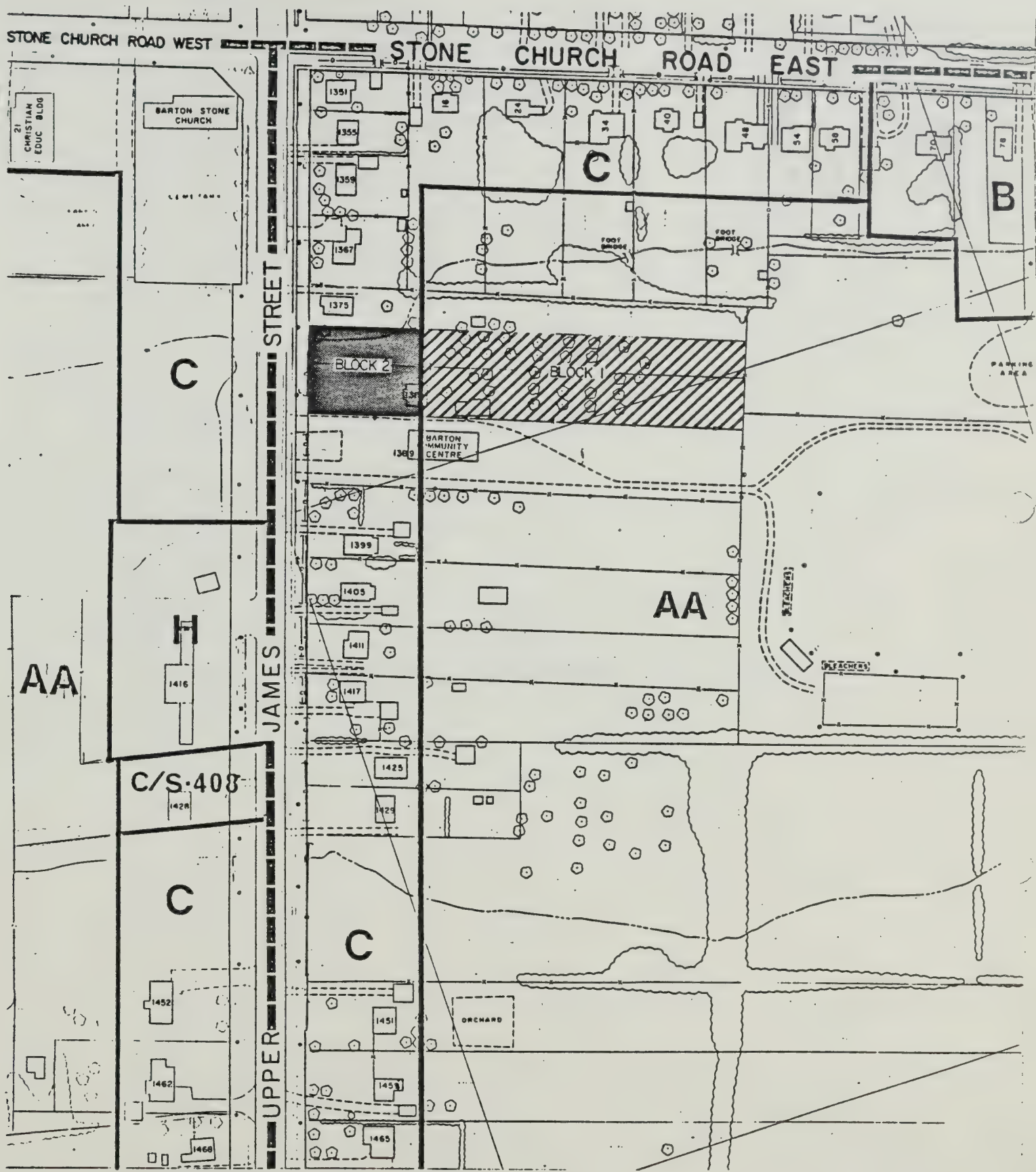
The "Urban Design Guidelines - Upper James Street Corridor" require the following along the Upper James Street frontage:

- a 3.0 m (10 foot) landscape strip;
- a 21.0 m (70 foot) front service road to the rear of the landscape strip; and
- fronts of commercial buildings located 24.0 m (80 feet) from the front lot line.

In addition, a further 3.0 m (10 foot) landscape strip is required along the southerly side lot line adjoining the Barton Community Centre. It was originally intended to implement these design guidelines under Site Plan Approval. Furthermore, the applicant has indicated his intention to comply with design requirements. However, in order to clarify the matter, it would be appropriate to include them in the amending By-law.

## CONCLUSION

On the basis of the foregoing, the application can be supported.



**Legend**

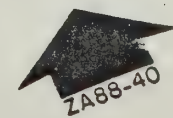
Proposed change in zoning from:



"AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District



"C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District





FOR ACTION

23

REPORT TO: SUSAN REEDER, ACTING SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 July 28  
COMM FILE:  
DEPT. FILE: P5-2-129

SUBJECT:

Proposed land use designation changes within the Templemead Neighbourhood.

RECOMMENDATION

That the Templemead Neighbourhood Plan be amended as shown on attached Plan 1.

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

  
J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

FINANCIAL IMPLICATIONS

It is estimated that between \$50,000 and \$60,000 will be required from the 5% parks fund, to pay for the additional park land.

BACKGROUND

- o On August 26, 1972, City Council adopted the Templemead Neighbourhood Plan showing a separate school site on privately owned land. Plan 2 shows the ownership of lands.
- o On June 24, 1985, the developer who owns the proposed separate school lands submitted a draft plan of subdivision (Templemead No. 2, Phase 4 - 25T-85019). This was delayed until the Separate School Board made their decision about proceeding with the construction of a school.
- o On December 17, 1987, the Separate School Board advised the Planning and Development Department that it does not require a school site in the Templemead Neighbourhood.



On July 20, 1988, a public meeting was held to discuss the following land use designation changes:

1. From Civic Institutional to Park and Recreational; and,
2. From Civic Institutional to Single and Double.

The map showing the proposed land use designation changes is attached as Appendix "2".

Minutes of the public meeting are available from Susan Reeder, Secretary of the Planning and Development Committee.

### SUBMISSION

Mrs. D. Campbell, 462 Templemead Drive suggested that the City should purchase the designated separate school area for park land.

### Planning Comment

The existing parkland of approximately 3.30 acres and the proposed additional parkland of approximately 0.80 acres would be in accordance with the Official Plan Park standard which is 1.00 acre per 1,000 persons (where parks are located adjacent to school sites when completed). However, should the Board of Education not require the property and sell it then a park requirement review will take place. It would be difficult to support the purchase of the designated Separate School land for park purposes at this time.

The developers (Seebeck and Shelley) are now proceeding with a subdivision plan and zoning.

They propose that lands north of the Bell easement be used for park purposes (approximately .80 acres).

### ANALYSIS

The lands which the developer does not wish to use are not suitable for development for park purposes by themselves. However, if an exchange takes place, the surplus land could be used as parkland and School Board land. The effect would be that:

- the Board's land area would remain the same (16.7 acres);
- the City's land for parks and recreation would increase by 0.80 acres;
- part of the land could be counted as dedication for parks. The balance would cost the City approximately \$50,000 to \$60,000 and would come from the 5% Parks Fund.

Board of Education staff have orally indicated that they support the exchange.

## CONCLUSION

It is desirable for the City's parkland to be increased in the Templemead Neighbourhood. The proposed exchanges of land allow consolidation of land holdings for the Board and the City. However, it should be noted that, should the Public School land become available for sale in the future, the park requirements of the neighbourhood should be reviewed in light of:

- 1) revised population estimates, including potential for school land development;
- 2) need for community park (serving several neighbourhoods);
- 3) need for additional neighbourhood parkland in the absence of the school site.

Therefore, the neighbourhood plan designations should be changed as shown on the attached Plan 1.

DG:CS/dkp

Attach.

WP 0019P



## APPENDIX "1"

### PARKLAND ANALYSIS

The current area of the parksite is approximately 3.30 acres. The proposed area of the parksite is approximately 4.10 acres.

The Official Plan standard for neighbourhood parks is 1.25 acres per 1000 population. This can be reduced to one acre if next to a school site. With a school site, the standard is four to five acres, for 4000 - 5000 estimated design population.

Without a school site, the standard is 5 - 6.25 acres for 4000 - 5000 estimated design population.





Owner: Public School  
Acreage: 16.70 acres  
Proposal: Public School to retain acreage

Owner: City  
Acreage: 3.32 acres  
Proposal: City park area - new acreage 4.12

Owner: Public School  
Acreage: 0.62 acres  
Proposal: Transfer to City

PARK  
&  
RECREATIONAL

700

Owner: R. Shelley & H. Seebeck  
Acreage: 0.62 acres  
Proposal: Transfer to Public School

Owner: R. Shelley & H. Seebeck  
Acreage: 0.18 acres  
Proposal: Transfer to City

Bell Easement

SEPARATE SCHOOL

Owner: R. Shelley & H. Seebeck  
Acreage: 4.40± acres  
Proposal: to be retained by R. Shelley & H. Seebeck

R-4

INDEPENDENCE DRIVE

186

182

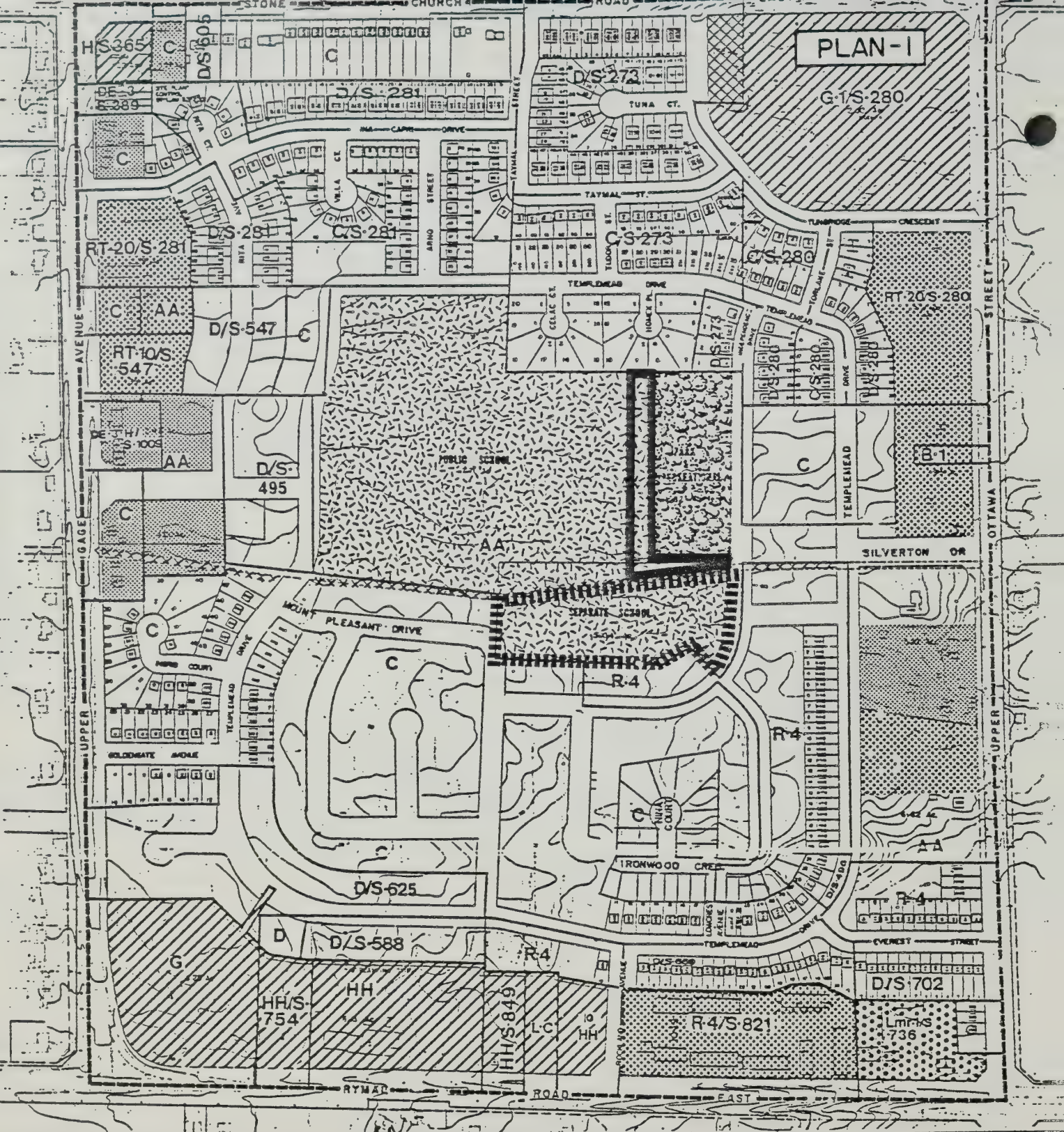
187

179

2

28





# PROPOSED LAND USE DESIGNATION CHANGES

- FROM CIVIC AND INSTITUTIONAL TO PARK AND RECREATIONAL
- FROM CIVIC AND INSTITUTIONAL TO SINGLE AND DOUBLE

LAND USE	
RESIDENTIAL	single & double
	attached housing
	low density apts.
	medium density apts.
	high density apts.
COMMERCIAL	commercial & apts.
	INDUSTRIAL
	CIVIC & INSTITUTIONAL
	PARK & RECREATIONAL
	OPEN SPACE
UTILITIES	UTILITIES

Neighborhood Boundary  
Zoning Boundary  
Siting of Development  
Boundary

Approved  
Planning Bd. and Council

Revisions

DATE	BY	REVISION
APR 1978	APR 1978	1.0
MAY 1978	MAY 1978	2.0
JUN 1978	JUN 1978	3.0

CITY OF HAMILTON  
PLANNING DEPARTMENT

TEMPLEMEAD

APPROVED PLAN

FOR ACTION

24.

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS  
COMMISSIONER  
PLANNING AND DEVELOPMENT

DATE:  
COMM FILE:  
DEPT FILE:

1988 JULY 14  
SA-85-11  
ZA-88-37  
25T-85019  
Templemead  
Neighbourhood

SUBJECT

1. Proposed Draft Plan of Subdivision "Templemead No. 2 - Phase 8"
2. Request for a change in zoning.

RECOMMENDATION

1. Subdivision Application

a) That approval be given to Application SA-85-11, R. Shelley Construction & Seebeck Construction Co., owners, to establish a draft plan of subdivision east and north of proposed Independence Drive involving a proposed Separate School Site, subject to the following conditions:

1. That this approval apply to the plan prepared by A. J. Clarke & Associates, dated June 4, 1985, revised to show minor lot line changes, 34 lots, two blocks for future development and a cul-de-sac.
2. That the street be dedicated as public highway on the final plan.
3. That the street be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
4. That the final plan conform with the Zoning By-law approved under the Planning Act.
5. That the owners convey 5% of the land included in the plan to the City of Hamilton for park purposes, pursuant to the provisions of The Planning Act. This condition can be fulfilled by accepting the conveyance of Blocks "35" and "36" for park purposes.
6. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.



7. That the owners provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
  8. That the owners shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
  9. That this plan of subdivision not receive final aproval before road access and municipal services are available from abutting lands.
  10. That the owners agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- b) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-85-11), R. Shelley Construction Ltd. and Seebeck Construction Co. Ltd., owners, proposed draft of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

## 2. Zoning Application

- a) That approval be given to Zoning Application ZA-88-37, Robert Shelley Construction Ltd., and Seebeck Construction Co. Ltd., owners, for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District, for property located in the area west of Silverton Drive and north of Nina Court, as shown on the attached map marked as APPENDIX "A", on the following basis:
- i) That the subject lands be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
  - ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49 for presentation to City Council.
  - iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
  - iv) That the Templemead Neighbourhood Plan be amended by redesignating the subject lands from "Civic and Institutional" to a "Single and Double" residential land use designation.

### EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning of the subject lands as shown on the attached map marked as APPENDIX "A", from "AA" (Agricultural District) to "R-4" (Small lot Single-Family Detached) District.

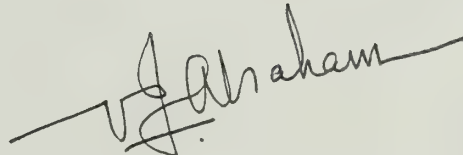
The effect of the By-law is to permit development of the subject lands for "small lot" single-family dwellings.

### FINANCIAL IMPLICATIONS

N/A



J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development



V. J. Abraham, M.C.I.P.  
Director - Local Planning

### BACKGROUND

#### Owner

R. Shelley Construction Ltd. and Seebeck Construction Co. Ltd., Hamilton, Ontario

#### Surveyor

A. J. Clarke & Associates, Hamilton, Ontario

#### Location

The lands, comprising 2.136 ha, are located west and north of proposed Independence Drive, in the Templemead Neighbourhood, City of Hamilton.

#### Land Use and Zoning

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	vacant	"AA" (Agricultural) District
to the south	vacant lands and single-family dwellings	"R-4" (Small Lot Single- Family Detached) District and "C" (Urban Protected Residential, etc.) District

to the east	vacant lands and small lot single- family dwellings	"R-4" (Small Lot Single- Family Detached) District and "C" (Urban Protected Residential, etc.) District
to the west	vacant	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District

### Proposal

The owners propose to subdivide the lands into 34 lots for single-family dwellings to be serviced from a new cul-de-sac and from existing streets, and two blocks for development with adjacent lands.

### EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Major Institutional", which permits residential development. The proposal complies.

Neighbourhood Plan - the lands are designated "Civic and Institutional". The proposal does not comply, therefore, an amendment will be necessary to designate the land to "Residential - single and double" and to include the cul-de-sac in the road pattern.

Zoning - the lands are zoned "AA" (Agricultural) District which does not permit development prior to a By-law amendment to rezone the property to a satisfactory zoning district.

### COMMENTS FROM CIRCULATION

#### 1. Subdivision Application

The following agencies have advised that they have no comment or objection toward the proposal:

Ministry of Municipal Affairs,  
Ministry of Transportation,  
Ministry of the Environment,  
Ministry of Natural Resources,  
Ministry of Culture and Communications (subject to standard condition),  
Hamilton Region Conservation Authority,

Niagara Escarpment Commission,  
Ontario Hydro, Union Gas, Bell Telephone,  
City of Hamilton Board of Education,  
City Traffic Department (subject to lot line changes at the end of the  
cul-de-sac),  
City Building Department (subject to rezoning).

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

- "1. These lands can be serviced to the future sewers that will be installed from the south-east, through the abutting "Templemead No. 2" lands. We recommend that the lands in the plan not be registered until sanitary and storm sewers have been extended, through the abutting land to the south limits of this proposed development.
2. The lands in this plan are not to be registered until the abutting roads have been established, in order that access is available to the proposed development. We prefer that all the abutting roads not in the plan, be established by registered plans of subdivision.
3. All the lands in the plan will be serviced by future watermains that will be available after the abutting lands to the south have been developed.
4. It appears as if the Developer intends to transfer Block "36" to the City of Hamilton for parks purposes. If the City decides that the lands are required for park purposes, then the draft plan conditions should indicate whether these lands are to be used as a credit towards the 5% parkland dedication requirement permitted under the Planning Act, or if the City will purchase the land directly and then take cash-in-lieu of park dedication for the remaining lands.
5. The Developer is to enter into subdivision agreements with the City of Hamilton and the Region of Hamilton-Wentworth prior to the Development of any portion of the subject lands.
6. The plan dated June 4, 1985, as prepared by A. J. Clarke, O.L.S. is satisfactory to this Department, subject to the above-noted comments and recommendations."

The Hamilton-Wentworth Roman Catholic Separate School Board has submitted the following comment:

"The Board has reviewed your letter of October 23rd, 1987. The lands in Templemead Neighbourhood designated for Separate School purposes is no longer required and therefore can revert back for residential use.

It would be appreciated if the secondary plan for the area was adjusted to reflect the change."



## 2. Zoning Application

The following have advised that they have no comment or objection:

Hamilton Region Conservation Authority,  
City of Hamilton Traffic Department,  
City of Hamilton Building Department,  
Hamilton-Wentworth Department of Engineering.

## COMMENTS

### 1. Subdivision Application

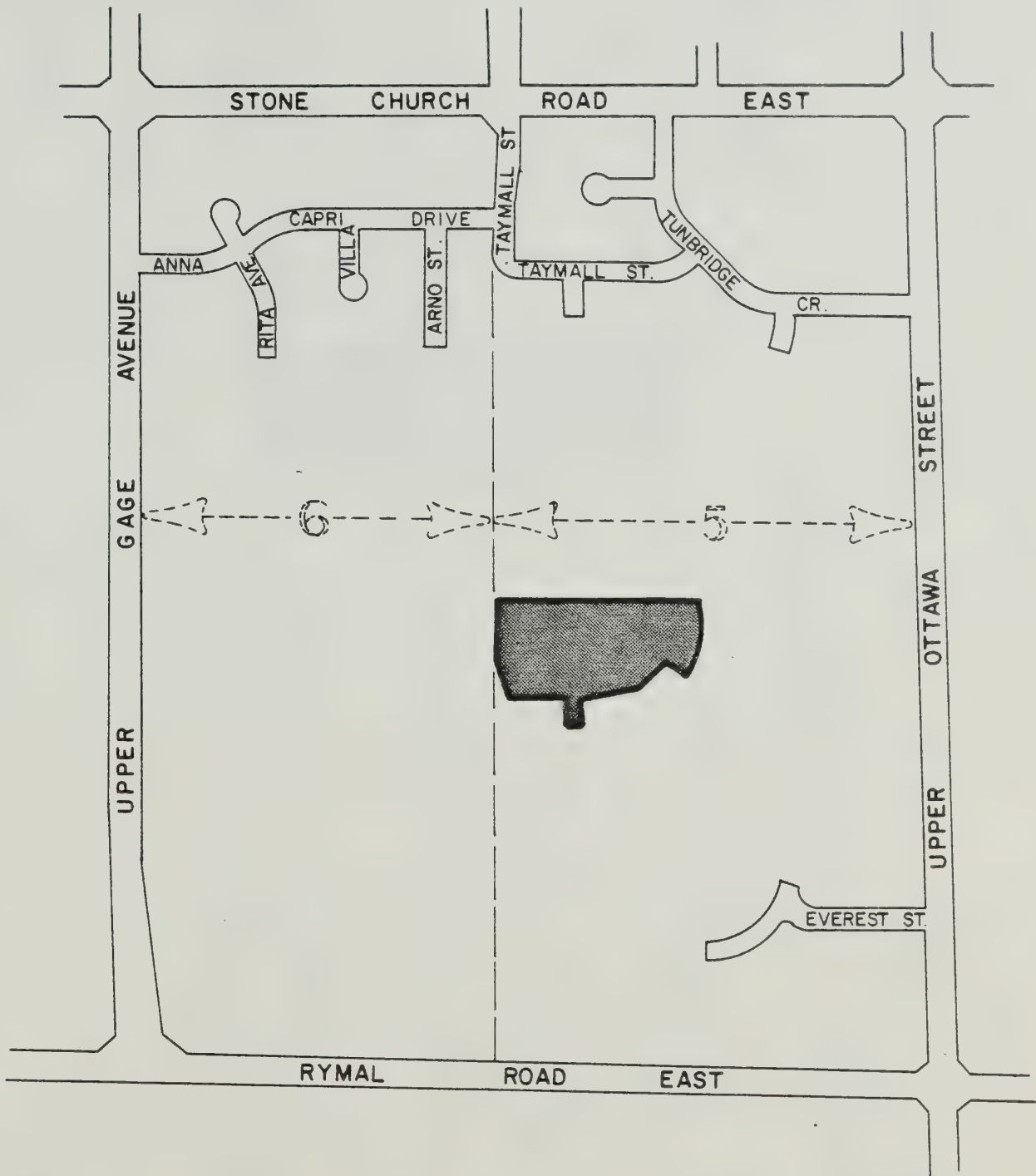
1. This report deals with and includes recommendations in regard to a proposed draft plan of subdivision and a proposed amendment to the Zoning By-law to implement the plan.
2. The conformity of the proposal with the Official Plans and the need for amendments to the Neighbourhood Plan and Zoning By-law is noted.
3. The Parks Staff Committee recommended that the parkland requirement for this subdivision be accepted as Blocks "35" and "36".
4. The proposed changes to the Neighbourhood Plan land use designation and road pattern can be supported.
5. Minor "red-line" revisions to the plan are required to implement the recommendation of the City Traffic Department.

### 2. Zoning Application

1. The proposal complies with the Official Plan.
2. The proposal will comply with the Templemead Neighbourhood Plan upon redesignation of the subject lands from "Civic and Institutional" use to a "Single and Double" residential use.
3. The proposed development will be compatible with existing and proposed single-family development in this area.
4. The proposed lots have sufficient lot frontage and area to meet the "R-4" District regulations.

On the basis of the foregoing the proposed change in zoning can be supported.

JLS/jd



TEMPLEMEAD NO. 129

Location Plan For

TEMPLEMEAD No.2 PHASE 4

Regional Municipality of Hamilton-Wentworth  
Planning and Development Department

Legend



PROPOSED SUBDIVISION

Nóth



Scale

N.T.S.

Date

July 1985

Reference File No.

25T-85019

Drawing No.

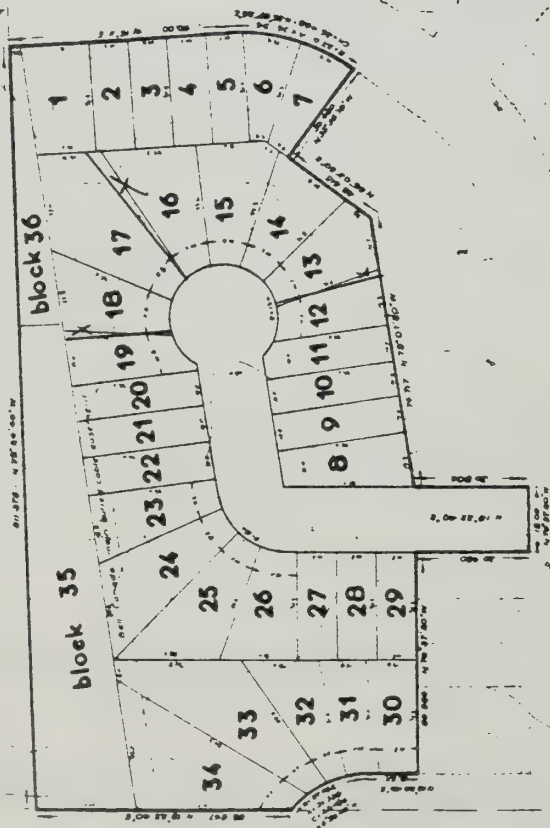
85-H-19

Map of the City of Hamilton

Future school site

Future school site

Map of the Board of Education for the City of Hamilton



Templemead No. 2 - approved draft plan of subdivision

L O T S C O N C E S S I O N

G E O G R A P H I C T O W N S H I P O F D A R T O N

Key Plan

SCALE 1:8000



Draft Plan of:

Templemead No. 2 Phase 4

ON A PROPOSED SUBDIVISION OF

Part of Lot 5-Concession 8 Geographic Township of Barton

NOW IN THE

CITY OF HAMILTON  
REGIONAL MUNICIPALITY OF HAMILTON WESTWORTH



SCALE 1:1750

of Clarke O.P.S. 1985

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO  
REVISION AND AMENDMENT

NOTE: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND ONLY  
BE CONVERTED TO FEET BY DIVIDING BY 0.3048

ALL CHANGING 379 R.O. 1980 (Section 30) For Planning Act

- a. SHOWS THE PLAN
- b. SHOWS THE PLAN
- c. SHOWS THE PLAN
- d. SHOWS THE PLAN
- e. SHOWS THE PLAN
- f. SHOWS THE PLAN
- g. SHOWS THE PLAN

Prepared by:

I CERTIFY THAT THE SUBDIVISION OF THE LANDS TO BE SUBDIVIDED AS SHOWN BY THIS PLAN  
AND THE APPLICATIONS TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN

DATE: 1985  
BY: [Signature]

Quinn's Authorizations:

I HEREBY CERTIFY THAT THE SUBDIVISION OF THE LANDS TO BE SUBDIVIDED AS SHOWN BY THIS PLAN  
AND THE APPLICATIONS TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN

Quinn's Authorizations:

DATE: 1985

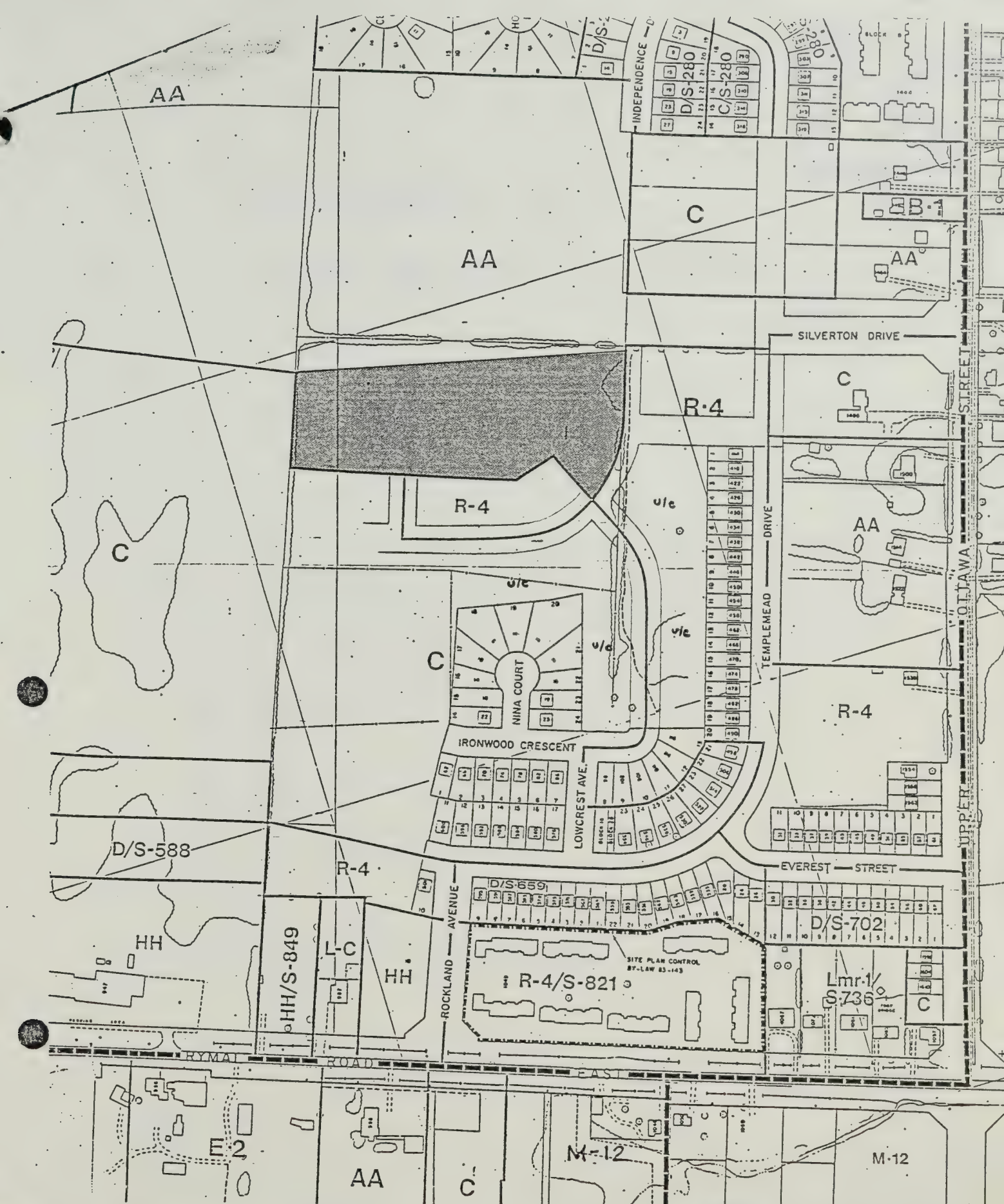
By: [Signature]

Quinn's Authorizations:

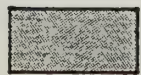
DATE: 1985

By: [Signature]

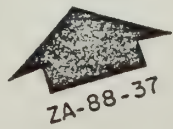




**LEGEND**



SITE OF THE APPLICATION







FOR ACTION

25

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 July 28  
COMM FILE:  
DEPT. FILE: ZA-88-44  
Gurnett  
Neighbourhood

SUBJECT:

Request for a change in zoning for the property located at No. 866 Upper Paradise Road.

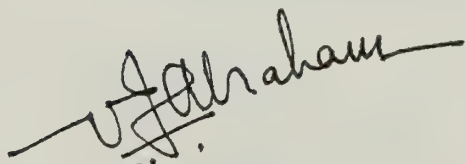
RECOMMENDATION

- (a) That approval be given to Zoning Application ZA-88-44, D. Alessandrino, owner requesting a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District, to permit the development of the subject lands for single family dwellings, for the property located at No. 866 Upper Paradise Road, as shown on the attached map marked as APPENDIX "A", on the following basis:
- i) That the subject lands be rezoned from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District.
  - ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-37c for presentation to City Council.
  - iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

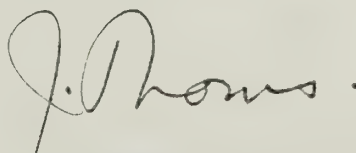
EXPLANATORY NOTE

The purpose of this By-law is to provide for a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District for the property located at No. 866 Upper Paradise Road.

The effect of the By-law is to permit development of the subject lands for single family dwellings.



V. J. Abraham, M.C.I.P.  
Director of Local Planning



J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

## FINANCIAL IMPLICATIONS

N/A

## BACKGROUND

The applicant has received preliminary approval from the Land Division Committee to sever the subject property into 3 parcels: two fronting on Upper Paradise and one fronting on Vespari Place. Final approval is pending the rezoning and fulfillment of the Engineering requirements.

## APPLICANT

Mr. D. Alessandrino, owner.

## LOT SIZE AND AREA

- 27.43 m (90 ft.) of lot frontage;
- 60.96 m (200 ft.) of lot depth; and
- 1,672.2 m<sup>2</sup> (18,000 sq. ft.) of lot area.

## LAND USE AND ZONING

	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
<u>SUBJECT LANDS</u>	single-family dwelling	"B" (Suburban Agriculture and Residential etc.) District
<u>SURROUNDING LANDS</u>		
to the north, east and west	single-family dwellings	"D" (Urban Protected - One and Two Family Dwellings, Townhouses, etc.) District
to the south	vacant, and single-family dwellings	"E-2" (Multiple Dwellings) District and "B" (Suburban Agriculture and Residential, etc.) District

## OFFICIAL PLAN

The subject lands are designated "Residential" on Schedule "A". The proposal complies.

## NEIGHBOURHOOD PLAN

The subject lands are designated "Single and Double" residential in the approved Gurnett Neighbourhood Plan. The proposal complies.

### COMMENTS RECEIVED

- The Hamilton Region Conservation Authority, Building Department and Traffic Department have no comments or objections.
- The Hamilton-Wentworth Engineering Department has advised that:  
"...public watermains, as well as sanitary and storm sewers, are available to service the subject lands.

The road allowance width of Upper Paradise Road is 30.48 m (100 ft). We recommend that a road allowance widening adjacent to the new lot on Upper Paradise Road be acquired to establish the property line 15.24 m (50 ft) from the centreline of the original Upper Paradise Road road allowance. In conjunction with this application, the applicant has also submitted Land Severance Applications H-102-88 and H-103-88. We also require that the applicant/owner take appropriate steps to have the 1 foot reserve shown as Block "J" on Plan M-285 lifted (cost recovery, etc.).

Any works which occur in the road allowances, as widened, must conform to the respective Street By-laws.

We recommend that the driveway elevation at the street line as widened be the same as the corresponding existing centreline elevation of Upper Paradise Road.

As this section of Upper Paradise is constructed to a 2-lane rural cross section, the applicant should contact the City Public Works Department for the length and diameter of culvert pipe required."

### COMMENTS

1. The proposal complies with both the Official Plan and the approved Gurnett Neighbourhood Plan.
2. The proposal can be supported for the following reasons:
  - a) it is compatible with the surrounding residential area including single family dwellings to the north, east and west.
  - b) it would implement the intent of the Official Plan and Approved Gurnett Neighbourhood Plan.
3. The conditions of the Engineering Department will be satisfied at the Land Severance Stage.

### CONCLUSION

Based on the foregoing, the proposal can be supported.

JH/ma

WP0118P









FOR ACTION

26

REPORT TO: SUSAN REEDER, ACTING SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 July 29  
COMM FILE:  
DEPT. FILE: ZA-88-55  
STRATHCONA NEIGHBOURHOOD

SUBJECT:

Request for a change in zoning for the property located at No. 12 Ray Street South.

RECOMMENDATION

That approval be given to an Amended Zoning Application 88-55, Regina Pirro, owner, requesting a change in zoning from "E" (Multiple Dwellings - Lodges, Clubs, etc.) District to "E-1" (Multiple Dwellings - Lodges, Clubs, etc.) District to permit the conversion of the existing building for business and professional offices, photography studio and an art studio, for the property located at No. 12 Ray Street South, as shown on the attached map marked as APPENDIX "A", on the following basis:

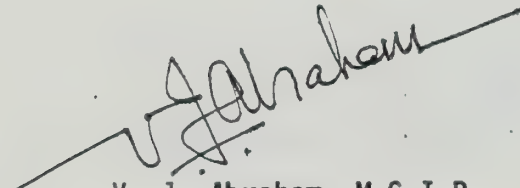
- i) That the subject lands be rezoned from "E" (Multiple Dwellings - Lodges, Clubs, etc.) District to "E-1" (Multiple Dwellings - Lodges, Clubs, etc.) District.
- ii) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W-2 for presentation to City Council.
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

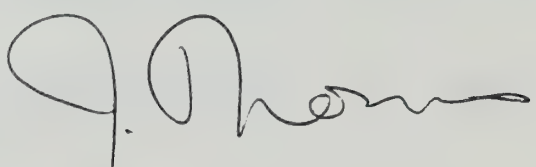
The purpose of this by-law is to provide for a change in zoning from "E" (Multiple Dwellings - Lodges and Clubs, etc.) District to "E-1" (Multiple Dwellings - Lodges and Clubs, etc.) District for the property located at No. 12 Ray Street South, as shown on the attached map.



The effect of this By-law is to permit the conversion of the existing building for uses such as business and professional offices, art studio and photography studio.



V. J. Abraham, M.C.I.P.  
Director of Local Planning



J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A.

APPLICANT

Regina Pirro, owner.

LOT SIZE AND AREA

- o 14.54 m (47.7 ft.) of lot frontage;
- o 30.25 m (99.23 ft.) of lot depth; and,
- o 439.73 m<sup>2</sup> (4,733.27 sq. ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Semi-detached dwelling	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District
<u>Surrounding Lands</u>		
To the north	Single-family dwelling, commercial	"H" (Community Shopping and Commercial, etc.) District
To the south	Fire station	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District

To the east	Single-family dwelling, Parking lot, Lodge	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc. ) District
		"H" (Community Shopping and Commercial, etc.) District
To the west	Eight-storey apartment building	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District

#### OFFICIAL PLAN

The subject lands are designated "Commercial" on Schedule "A". The proposal complies.

#### NEIGHBOURHOOD PLAN

The subject lands are designated "Commercial" in the approved Strathcona Neighbourhood Plan. The proposal complies.

#### COMMENTS RECEIVED

- o The Ministry of Transportation, GO Transit and the Hamilton Region Conservation Authority have no objections.
- o The Traffic Department has advised that:  
  
"While we have no objection to the proposed rezoning, the site must be able to accommodate the required number of parking spaces for the proposed uses. The application states that there are five parking spaces on the property, but they are not shown on the plan. We have serious doubt as to whether this site has adequate room for five legal parking spaces."
- o The Building Department has advised that:  
  
"The applicant states there are five parking spaces. This is incorrect. Parking is not permitted in the required front yard, and there is insufficient room to park five cars on the remainder of the lot."
- o The Hamilton-Wentworth Engineering Department has advised that:  
  
"Public watermains as well as sanitary and storm sewers are available to service the subject lands.  
  
Any work within the Ray Street road allowance must conform to the City of Hamilton Streets By-law.  
  
Specific provided requirements regarding the access and parking will be reviewed by the City's Traffic Department."

### COMMENTS

1. The proposal complies with the Official Plan and the approved Strathcona Neighbourhood Plan.
2. The proposal can be supported for the following reasons:
  - a) The uses will be restricted to the existing building and therefore the streetscape will be maintained.
  - b) The proposed uses are compatible with the surrounding land uses, including a fire station, commercial to the north and the parking lot for the lodge.
  - c) The applicant indicated that 5 parking spaces are available on-site. According to the Building and Traffic Departments comments only 2 legal spaces can be accommodated on-site since no parking is permitted in the required front yard.

### CONCLUSIONS

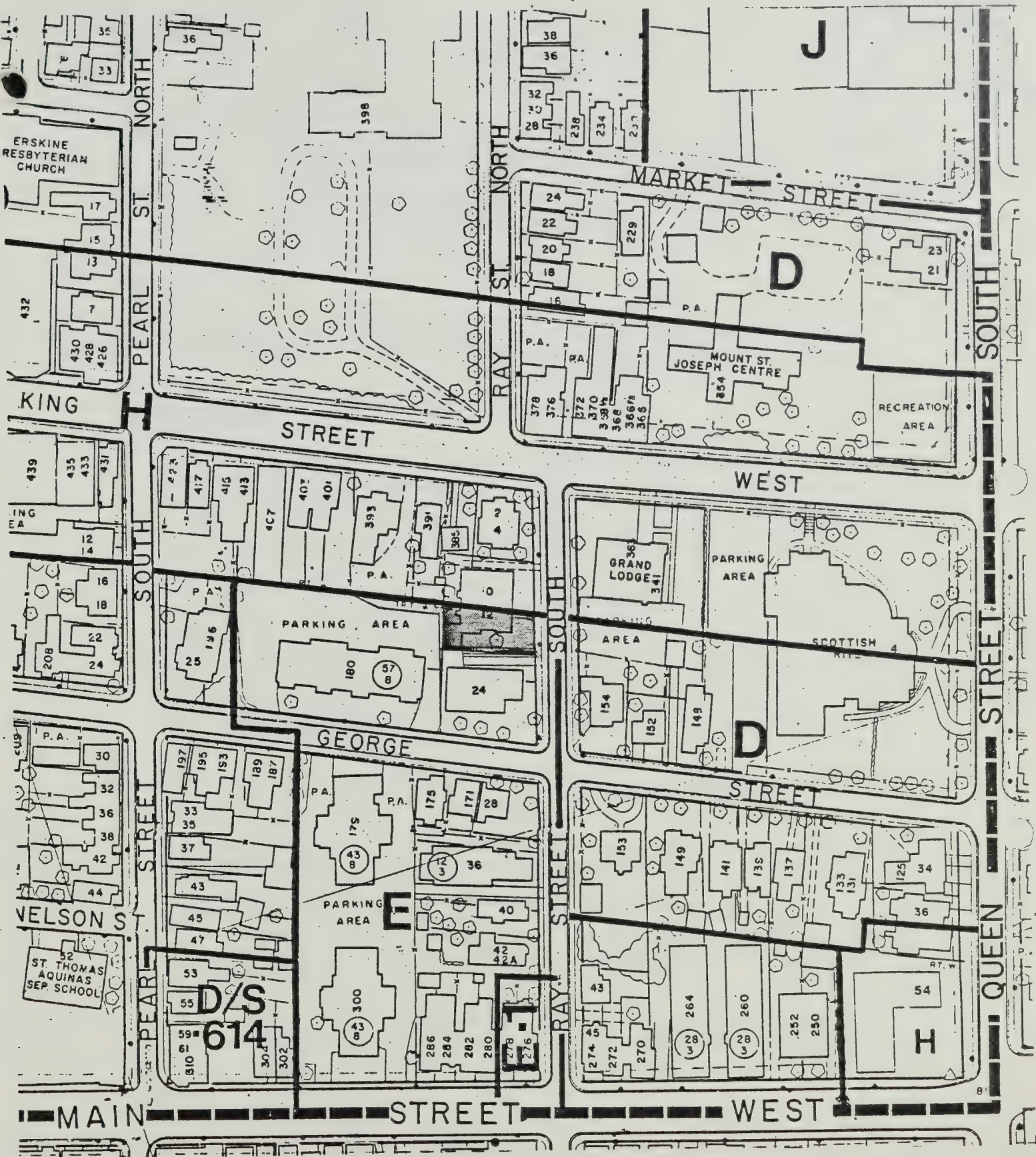
Based on the foregoing, an amended zoning application can be supported.

JH:CS

Attach.

WP 0019P









FOR ACTION

27

REPORT TO: SUSAN REEDER, ACTING SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

DATE:  
COMM FILE:  
DEPT. FILE: CI-88-E

SUBJECT:

Request for changes in zoning for the lands located on the west side of Centennial Parkway North between the Q.E.W. and Confederation Drive.

RECOMMENDATIONS

- (a) That approval be given to Official Plan Amendment No. 63 to redesignate Block "1" from "Open Space" to "Commercial" and to remove the subject lands, in their entirety, from Special Policy Area 10, and the City Solicitor be directed to prepare a by-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That approval be given to City Initiative CI-88-E requesting changes in zoning from "AA" (Agricultural) District and "KK" (Restricted Heavy Industrial) District to "F" (Special Waterfront) District, modified, to permit the development of the subject lands for a tourist information centre, hotel and accessory commercial uses, for the lands located on the west side of Centennial Parkway North, between the Q.E.W. and Confederation Drive, as shown on the attached map marked as APPENDIX "A", on the following basis:
  - i) That Block "1" be rezoned from "AA" (Agricultural) District to "F" (Special Waterfront) District;
  - ii) That Block "2" be rezoned from "KK" (Restricted Heavy Industrial) District to "F" (Special Waterfront) District;
  - iii) That the "F" (Special Waterfront) District regulations as contained in Section 12 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:
    - a) Notwithstanding Section 12.(1), the following additional commercial uses shall be permitted in conjunction with the hotel:
      - 1) tavern;
      - 2) retail stores;
      - 3) personal service stores;
      - 4) banquet hall;
      - 5) conference/meeting rooms;
      - 6) outdoor patio.

- iv) That Sections 18.(11) (a) and (b) of Zoning By-law 6593 shall not apply to the subject lands;
- v) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Maps E-101, E-102, and E-111 be notated S- ;
- vi) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Maps E-101, E-102, and E-111 for presentation to City Council.
- vii) That the proposed change in zoning will be in conformity with:
  - 1) The Regional Official Plan when Regional Official Plan Amendment No. 34 is approved by the Minister of Municipal Affairs; and
  - 2) The City of Hamilton Official Plan when Official Plan Amendment No. 63 is approved by the Regional Municipality of Hamilton-Wentworth.
- (c) That Schedule "A" of Site Plan Control By-law 79-275, as amended by By-law No. 87-223 be amended by adding the subject lands, as shown on the attached map marked as APPENDIX "B".

#### EXPLANATORY NOTE

The purpose of this by-law is to provide for changes in zoning for the lands located on the west side of Centennial Parkway North between the Q.E.W. and Confederation Drive, as shown on the attached map, on the following basis:

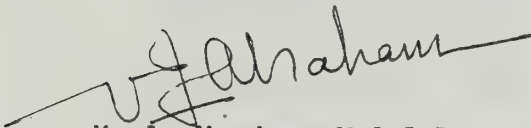
- Block "1" - Change in zoning from "AA" (Agricultural) District to "F" (Special Waterfront) District, modified;
- Block "2" - Change in zoning from "KK" (Restricted Heavy Industrial) District to "F" (Special Waterfront) District, modified.


The effect of the by-law is to permit the development of the subject lands for a tourist information centre, hotel, and accessory commercial uses.

In addition, the By-law provides for the following variances as special requirements:

- o to permit the following commercial uses in addition to other permitted uses:
  - 1. tavern;
  - 2. retail stores;
  - 3. personal service stores;
  - 4. banquet hall;
  - 5. conference/meeting rooms;
  - 6. outdoor patio.

- o to exempt the outdoor patio from the capacity provisions (50 people or 50% of the capacity, whichever is greater).
- o to exempt the outdoor patio from the locational provisions which prohibits outdoor patios adjacent to residential districts.

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

  
J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development  
Department

#### FINANCIAL IMPLICATIONS

N/A.

#### BACKGROUND

The hotel facility proposed for the subject lands will have:

- o 150 to 200 guest rooms;
- o 150-seat family-style restaurant;
- o 50-seat coffee shop;
- o 75-seat lobby lounge;
- o 250-seat entertainment lounge;
- o Conference/Meeting Wing, including a banquet hall with a seating capacity for 400 persons.

#### LOT SIZE AND AREA

The subject lands are irregular in shape, having a frontage on Confederation Drive of 292 m (961.29 ft.) and an area of 4.3 ha (10.62 acres).

#### LAND USE AND ZONING

	<u>Exising Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Vacant	"AA" (Agricultural) District "KK" (Restricted Heavy Industrial, etc.) District
<u>Surrounding Lands</u>		
To the north	Recreational facilities	"AA" (Agricultural) District
To the south	Q.E.W.	"KK" (Restricted Heavy Industrial) District



	<u>Exisging Land Use</u>	<u>Existing Zoning</u>
To the east	Open Space	"AA" (Agricultural) District
To the west	Industry (Langs Foods)	"KK" (Restricted Heavy Industrial) District
		"AA" (Agricultural) District

#### REGIONAL OFFICIAL PLAN

The subject lands are within "Urban Policy Areas" and identified as "Existing Development" on Map No. 1 of the Hamilton-Wentworth Official Plan.

The lands are also identified as being within "Lakeshore Policy Area 'A'" on Map No. 3.

A site-specific text amendment is required to permit the hotel within "Lakeshore Policy Area 'A'".

Regional Official Plan Amendment No. 34 has been sent to the Ministry of Municipal Affairs for their approval.

#### CITY OF HAMILTON OFFICIAL PLAN

The subject lands are designated "Open Space" on Schedule "A" and are also located within Special Policy Area 10 on Schedule "B".

The hotel is not a permitted use within the "Open Space" designation. However, the tourist information centre is permitted.

Policy A.2.9.3.8 (Special Policy Area 10) states that Council will initiate a study to develop a Master Plan for the Beach Strip Area for water-oriented and Open Space recreational uses. The Master Plan has been prepared and subsequently adopted by City Council. Consequently, the intent of the policy is now obsolete.

To permit the proposed hotel, the following two amendments are necessary:

- o redesignation of Block "1" from "Open Space" to "Commercial"; and,
- o removal of the subject lands from Special Policy Area 10.

#### NEIGHBOURHOOD PLAN

There is no Neighbourhood Plan for Confederation Park.

## COMMENTS RECEIVED

- o Ontario Hydro has advised that:

"It has no objection to the related zoning by-law amendment, provided our facilities do not become non-complying uses."

- o The Ministry of Transportation has advised that:

"The owner should be made aware that building/land use and sign permits are required from this Ministry. A site drainage plan is to be provided for review at the time permits are requested. A building setback distance of 13.7 m from the right-of-way is required for all structures within our permit control area. All access will be restricted to the local road system.

Our Planning and Design office had advised a Preliminary Design Study has been undertaken for this area. A minor requirement from the front of the property may be required. This can be determined at the time permits are requested.

- o The Building Department has advised that:

"This Department would consider the "tourist information centre" as a public use, not restricted under Section 3.(3) of Zoning By-law 6593.

A hotel is a residential use which is a permitted use.

Accessory uses normally incidental to the hotel are commercial uses, therefore, these uses should be categorized (e.g. restaurant, tavern, outdoor patio, retail shops, hairdresser, barbershop, etc.)"

- o The Ministry of the Environment has advised that:

"...some concerns regarding possible problems due to smoke, odours and particulates from the SWARU chimney."...This problem can be eliminated or greatly reduced by site planning, as there is already a hotel located even closer to SWARU than this one and have received no complaints regarding SWARU's operation."

- o The Traffic Department has advised that:

"We have reviewed the application and find it satisfactory. However, we believe that the entire site should be placed under site plan control to ensure a comprehensively planned development."

- o The Hamilton-Wentworth Engineering Department has advised in part that:

"Please be advised that neither public watermains nor sanitary storm sewers are currently available to service the subject lands. The lands could be serviced for water by extending the watermain to be constructed in 1988 to the north side of the Q.E.W. and Nash Road northerly and then easterly along Confederation Drive. The lands could be serviced for sanitary sewers to either Nash Road or to the trunk sewer on the south side of the Q.E.W. Servicing is to be proposed by the Engineering Department in the 1989-93 Capital Budget for 1989 construction.

Due to the configuraton of the intersection, we have outlined the proposed realignment (attached) with the limits of the lands to be retained by the City and Region to be excluded from this development.

Any access requirements, encroachments, details, etc., will be clarified and dealt with at the Site Plan stage. (See attached letter for full comments.)

- o The Economic Development Department supports the rezoning.
- o The Hamilton Region Conservation Authority has no comments or objections.

#### COMMENTS

1. The proposal does not comply with the Regional Official Plan. A site specific text amendment is required to permit the proposal. The region has initiated Regional Official Plan Amendment No. 34 which was forwarded to the Ministry of Municipal Affairs for their approval.
2. The proposal does not comply with the City of Hamilton Official Plan. A site specific redesignation from "Open Space" to "Commercial" for Block "1" and to remove the subject lands from Special Policy Area 10 is required to permit the proposal.
3. The proposal can be supported for the following reasons:
  - a) it will complement and be in keeping with the theme of Confederation Park.
  - b) both the Confederation Park Master Plan and the Tourism Development Strategy recommended that a hotel and tourist information center be located on this site.
4. If an outdoor patio is to be located in the hotel, then it is appropriate:
  - a) to exempt it from the capacity requirements (restricts it to 50% of the restaurant capacity or 50 persons, whichever is greater).

- b) to exempt it from the locational requirements which prohibits it from abutting a residential district. In this case, there is an "AA" (Agricultural) District to the north abutting the proposed "F" District. There are no residential uses in the area (except the hotel) and therefore, the impact on the surrounding uses is nil.
- 5. The "F" (Special Waterfront) District is not subject to Site Plan Control. To ensure comprehensive development, it is appropriate to amend Schedule "A" of Site Plan Control By-law 79-275 as amended by By-law 87-223 to add the subject lands.

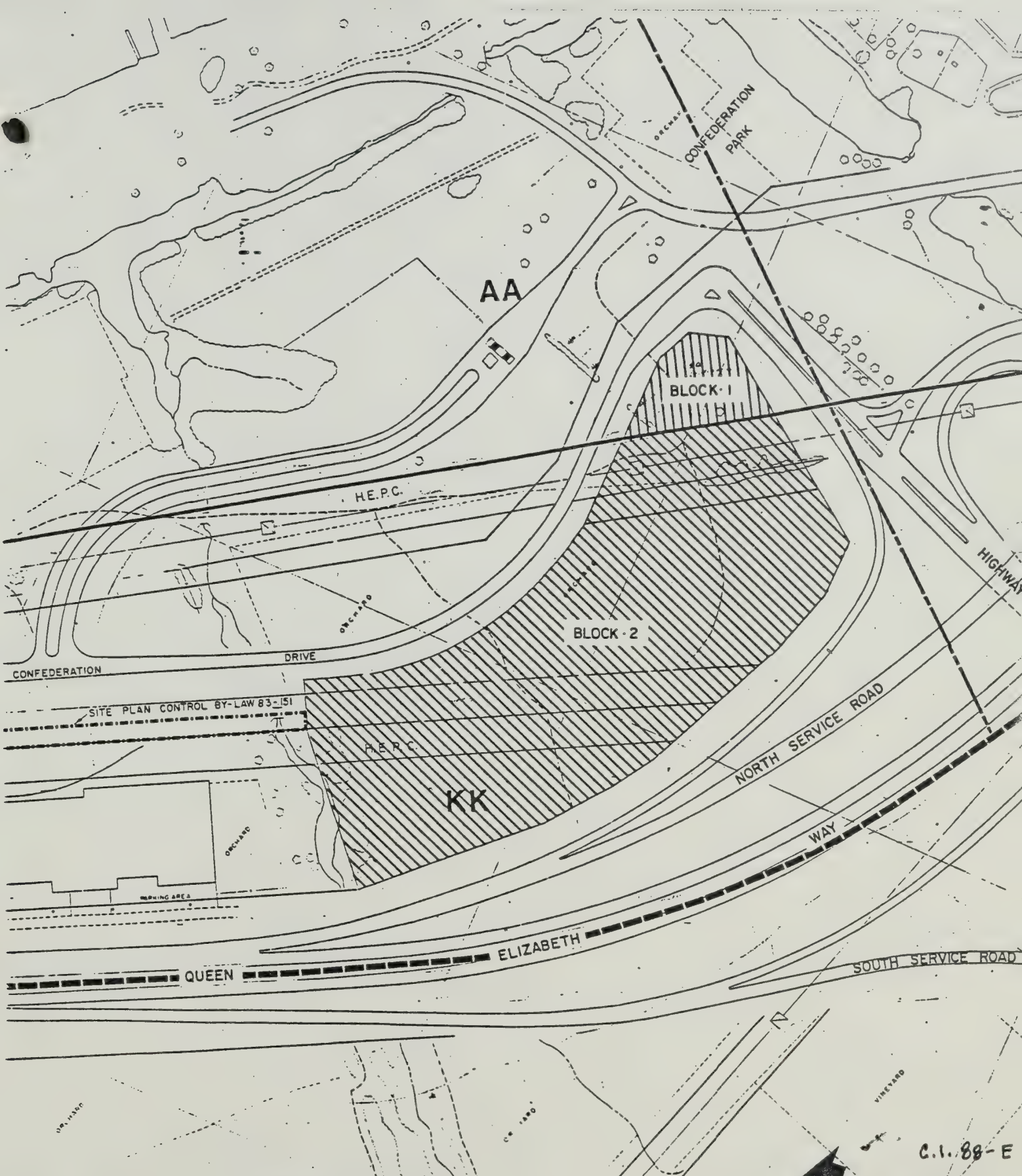
#### CONCLUSION

Based on the foregoing, the proposal can be supported.

JH:CS:ma  
Attach.  
0330P







C.I. 88-E

LEGEND

Change in Zoning from:

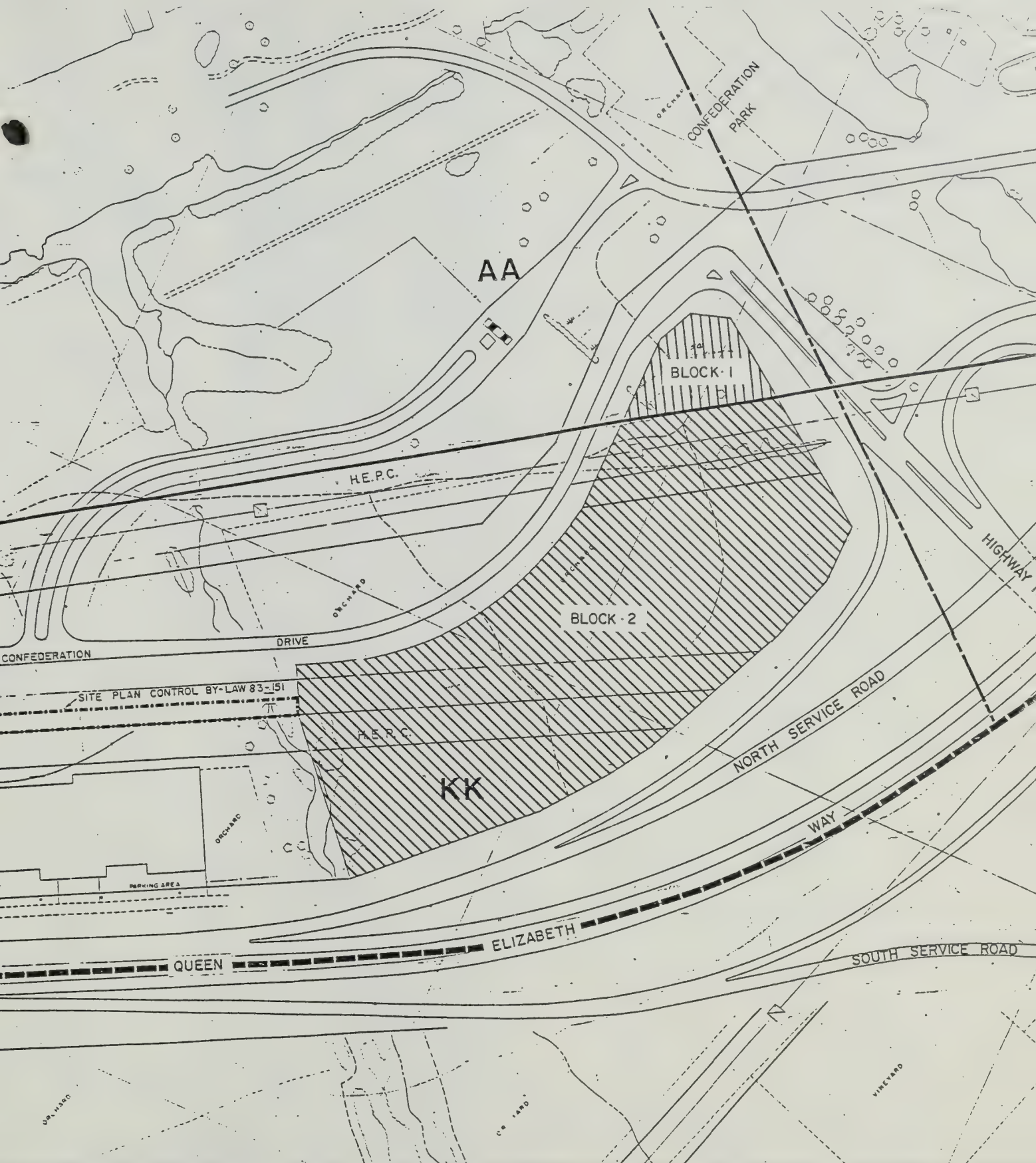


"AA" (Agricultural) District to "F" (Special Waterfront) District, Modified

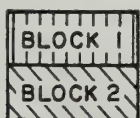


"KK" (Restricted Heavy Industrial) District to "F" (Special Waterfront) District, Modified



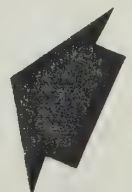


# LEGEND

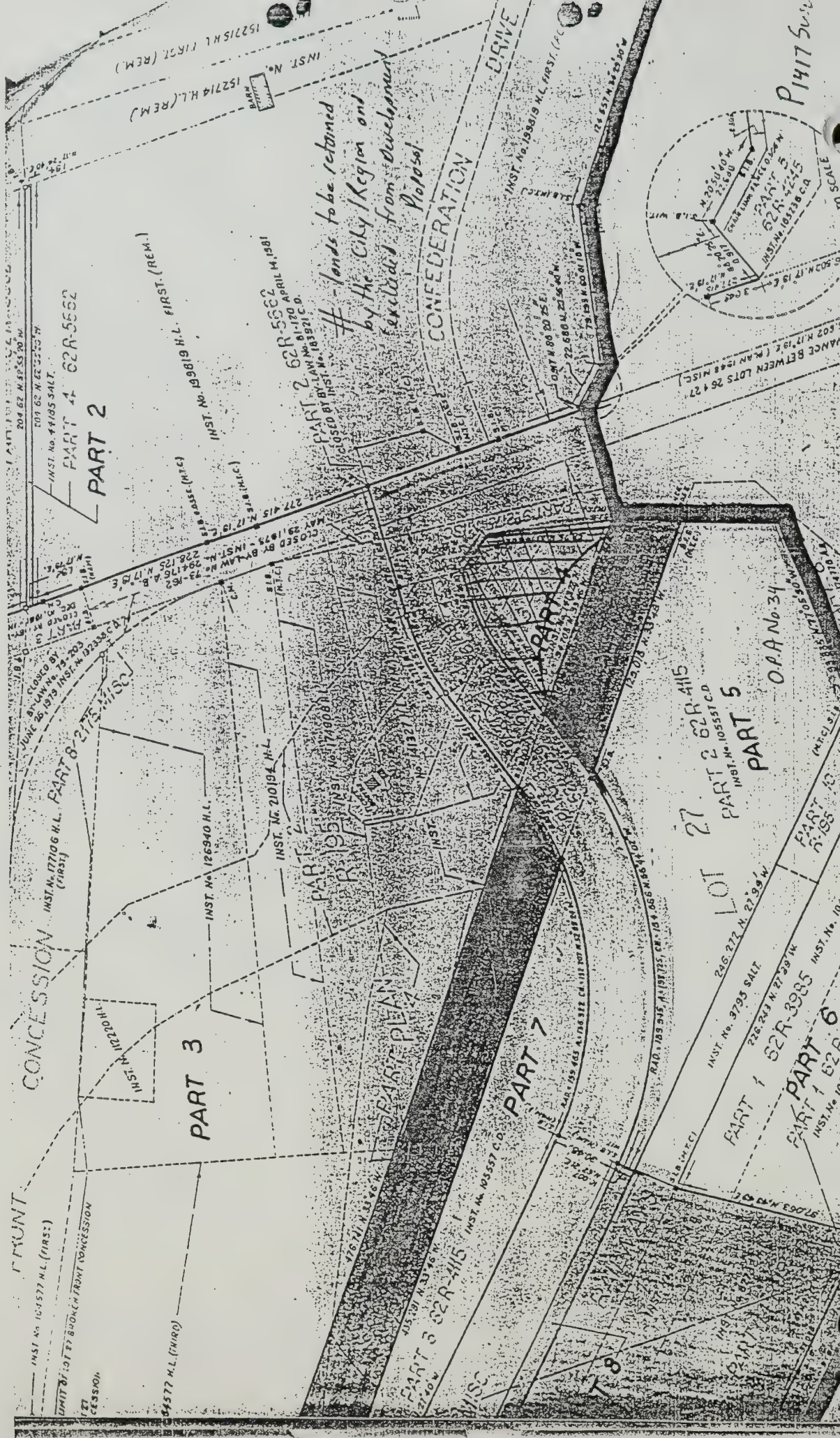


LANDS TO BE ADDED TO SCHEDULE "A" OF SITE PLAN CONTROL  
BY-LAW 79-275 AS AMENDED BY BY-LAW 87-223

## APPENDIX "B"







FOR ACTION

29

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 July 29  
COMM FILE:  
DEPT. FILE: ZA-88-09  
Jerome  
Neighbourhood

SUBJECT:

Request for a change in zoning for vacant lands municipally known as No. 17 Chipman Avenue, for the purposes of establishing a car radio sales/service business.

RECOMMENDATION

(a) That Zoning Application ZA-88-09 Ernesto and Norma Estrabillo, owners, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial, etc.) District, for vacant property municipally known as No. 17 Chipman Avenue, as shown on the attached map marked as APPENDIX "A", be TABLED for the following reason:

1. The proposal is premature, pending finalization of the proposed Jerome Neighbourhood Plan.

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

  
J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The applicant currently operates a car radio/sales repair and installation service from his dwelling located at No. 19 Chipman Avenue. In December of 1987 the Building Department issued an Order To Comply to the applicant with regard to the operation of the business in a "C" (Urban Protected Residential, etc.) District. It is the applicants intention to rezone the adjoining vacant parcel of land also owned by him, construct a new building and relocate the business in the new building.

APPLICANT

Ernesto and Norma Estrabillo, owners



#### LOT SIZE AND AREA

- 30.17 m (99.0 ft) of lot frontage on Chipman Avenue;
- 66.11 m (216.92 ft) of lot depth; and,
- 1,995.03 m<sup>2</sup> (21,475.0 sq.ft.) of lot area

#### LAND USE AND ZONING

	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
<u>SUBJECT LANDS</u>	Vacant	"C" (Urban Protected Residential, etc.) District
<u>SURROUNDING LANDS</u>		
to the north	Vacant	"AA" (Agricultural) District and "HH" (Restricted Community Shopping & Commercial, etc.) District
to the south	auto tire store and a cabinet manufacturing shop	"C" (Urban Protected Residential, etc.) District and "HH" (Restricted Community Shopping & Commercial, etc.) District
to the east	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the west	Commercial uses	"HH" (Restricted Community Shopping and Commercial, etc.) District, modified

#### OFFICIAL PLAN

Designated "Residential". The proposal does not comply with the intent of the Official Plan. Approval of the application would require an amendment to redesignate the subject lands from "Residential" to "Commercial".

#### NEIGHBOURHOOD PLAN

The proposed Jerome Neighbourhood Plan (subject to final approval by Planning and Development Committee and City Council) designates the subject lands for "Neighbourhood Commercial" use. In addition, the Plan requires a 6.0 m wide landscape planting strip and a visual barrier along and within the easterly side property line adjoining the "C" (Urban Protected Residential, etc.) District. The proposed use would comply with the intent of the proposed Jerome Neighbourhood Plan.

### COMMENTS RECEIVED

- The Building Department, Traffic Department, Hamilton Region Conservation Authority and The Local Architectural Conservation Advisory Committee have no comments or objections.
- The Hamilton-Wentworth Engineering Department has advised that:  
"...public watermains are available to service the subject lands. Sanitary sewers, however, have not been installed in this area.

The designated road allowance width of Chipman Avenue is 20.12 m (66 ft). As the applicant may be aware, there is a sharp horizontal alignment on Chipman Avenue adjacent to the east of the subject lands.

We recommend as a condition of development approval, that sufficient lands be dedicated to the City of Hamilton for road widening purposes to provide for an improved alignment of this curve.

Any work within the Chipman Avenue road allowance, as widened, must conform to the City of Hamilton Streets By-law.

Comments from the City of Hamilton Traffic Department should be taken into consideration with respect to access, etc."

### COMMENTS

1. The proposal does not comply with the intent of the Official Plan. Approval of the application would require an amendment to redesignate the subject lands from "Residential" to "Commercial".
2. The subject lands are designated for "Neighbourhood Commercial" purposes on the proposed Jerome Neighbourhood Plan. This designation is intended to provide for increased depth of commercial development fronting onto Upper James Street to ensure that adequate parking and landscaping/buffering is provided where commercial development abuts residential development. This proposal does not comply with the above intent.

However, the proposed Jerome Neighbourhood Plan has not been the subject of public meetings to obtain input from property owners in this area. Accordingly, the proposal is considered premature pending finalization of the Plan. It is anticipated that the proposed Jerome Neighbourhood Plan will be considered at a Public Meeting of the Planning and Development Committee during the month of October 1988.

### CONCLUSION

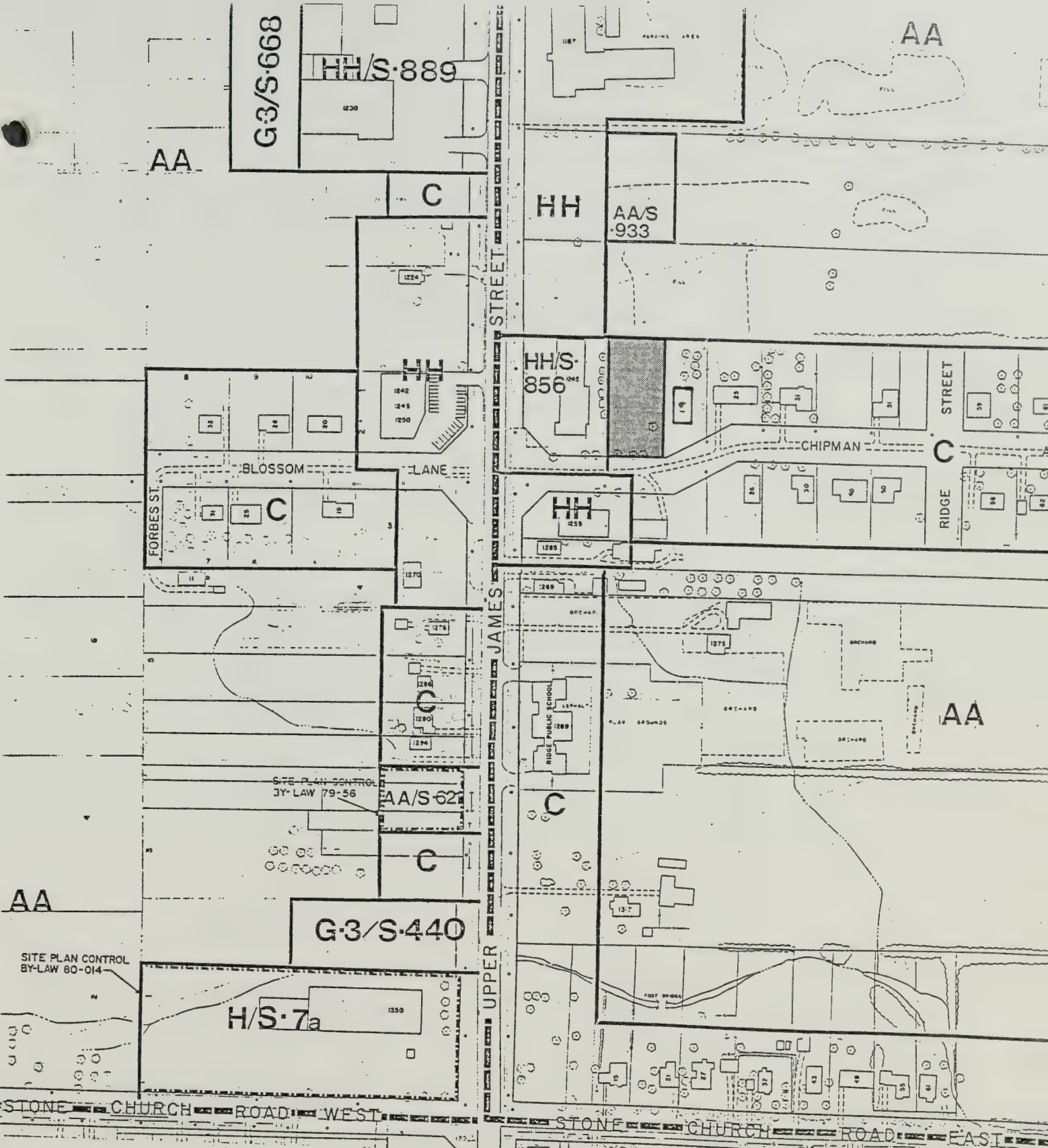
On the basis of the foregoing, the proposal is premature and should be tabled.

GW:ma/dkp

WP 0136P



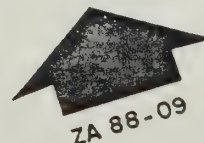




# LEGEND



SITE OF THE APPLICATION





FOR ACTION

30

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

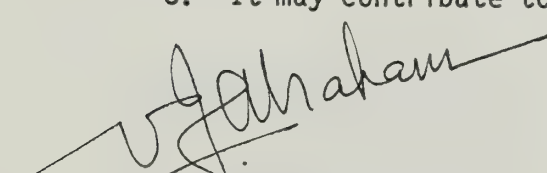
DATE: 1988 August 8  
COMM FILE:  
DEPT. FILE: ZA-88-34  
Lawfield  
Neighbourhood

SUBJECT:

Request for a modification to the established "G" (Neighbourhood Shopping Centre, etc.) District - No. 1000 Upper Gage Avenue.

RECOMMENDATION

- (a) That Zoning Application ZA-88-34, J. Greenbaum owner, requesting a modification to the established "G" (Neighbourhood Shopping Centre, etc.) District regulations to permit a bingo hall (public hall) in addition to other permitted uses, for property located at No. 1000 Upper Gage Avenue, as shown on the attached map marked as APPENDIX "A", be denied for the following reasons:
1. The proposed use is not consistent with the intent of the "G" (Neighbourhood Shopping Centre, etc.) District.
  2. It would set a precedent for future similar applications.
  3. It may contribute to on-site and/or off-site parking conflicts.

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

  
J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A



## BACKGROUND

### ● Proposed Development

The applicant proposes to renovate the vacant portion of the plaza (former Super Tops Store) on the following basis:

- to divide the front portion of the vacant store into 7 retail units. One unit will have approximately 154.5 m<sup>2</sup> (1,644 sq.ft.) of floor space, and the remaining 6 would have 142.1 m<sup>2</sup> (1,530 sq.ft.) each, for a total of 1,077.4 m<sup>2</sup> (10,844 sq.ft.);
- to utilize the rear portion of the vacant store for a bingo hall having approximately 929 m<sup>2</sup> (10,000 sq.ft.) of floor space; and
- to redesign the existing parking lot (138 spaces) thereby providing an additional 14 spaces (152 spaces).

### ● By-law No. 86-115

City Council passed By-law No. 86-115 on March 25, 1986. The purpose of the By-law was to provide for a change in zoning from the "DE" (Low Density Multiple Dwellings) District to the "G" (Neighbourhood Shopping Centre, etc.) District for lands located at the northwest corner of Upper Gage Avenue and Lockton Crescent (see Block "1" - APPENDIX "B").

The effect of the By-law was to permit the expansion of the subject plaza to the north (see Block "2" - APPENDIX "B"). In addition, the By-law provided for a number of variances and restrictions to Blocks "1" and "2" (APPENDIX "B"), including the following:

"that a minimum of 312 parking spaces be provided instead of the required 324 spaces".

### ● DA-88-05

Plans and drawings for Phase II of the shopping centre at 1050 Upper Gage (Block "1" - APPENDIX "B") were approved on March 9, 1988. A total of 179 parking spaces and 1 loading space are provided.

### ● Licensing

The City Clerk's Department has advised that "Bingo Parlours" (Public Halls) can operate on the following basis:

- Monday to Friday    8:00 a.m.    -    1:00 a.m.
- Saturday                8:00 a.m.    - 11:45 p.m.
- Sunday                  1:30 p.m.    - 11:00 p.m.

## APPLICANT

Joe Greenbaum, owner

### LOT SIZE AND AREA

The subject property has approximately:

- 118.48 m (388.72 ft.) of frontage along Upper Gage Avenue;
- 83.71 m (274.67 ft.) of frontage along Edwina Place; and,
- 1.04 ha (2.58 ac) of lot area.

### LAND USE AND ZONING

	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
<u>SUBJECT LANDS</u>	Commercial	"G" (Neighbourhood Shopping Centre) District
<u>SURROUNDING LANDS</u>		
to the north	Single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the south	Commercial	"G" (Neighbourhood Shopping Centre) District
to the east	Townhouses and single-family dwellings	"DE" (Low Density Multiple Dwellings) District and "C" (Urban Protected Residential etc.) District
to the west	School and single-family dwellings	"C" (Urban Protected Residential, etc.) District

### OFFICIAL PLAN

The subject lands are designated "Commercial". The proposal does not conflict with the intent of the Plan.

### NEIGHBOURHOOD PLAN

The subject lands are designated "Commercial" in the approved Lawfield Neighbourhood Plan. The proposal does not conflict with the intent of the Plan.

### RESULTS OF CIRCULARIZATION

- The following agencies have no comments or objections:
  - The Hamilton Region Conservation Authority;
  - LACAC.

- The Traffic Department has advised as follows:

"The application for a modification to the existing zoning to permit a bingo hall is satisfactory subject to the provision of parking in accordance with the zoning By-law."

and

"We recommend that the raised concrete curbing on the west side of the entrance from Edwina Place be maintained to reduce the potential vehicular conflicts for vehicles entering from Edwina Place."

- The Hamilton-Wentworth Department of Engineering has advised as follows:

"...both public watermains as well as storm and sanitary sewers are available to service the subject lands.

The designated road allowance width of Upper Gage Avenue is 36.58 m (120 ft.). We do not anticipate any further road allowance widenings at this time.

Any works in the adjacent road allowances, as widened, must conform to the respective Streets By-laws.

The Applicant should contact the City Traffic Department for information concerning access permits, etc."

- The Building Department has advised as follows:

"Bingo Halls have never been permitted in a 'G' zoning district. If you permit this use, it will set a precedent".

and

"No comment on the revised parking layout".

#### COMMENTS

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal does not conflict with the approved Lawfield Neighbourhood Plan.
3. The proposal cannot be supported for the following reasons:
  - it conflicts with the intent of the "G" (Neighbourhood Shopping Centre, etc.) District which is intended to provide for neighbourhood oriented retail commercial and personal service uses located separately or collectively on a site. Whereas, the proposed "Bingo Hall" (public hall) is a use which serves the City as a whole.

In this regard, "Bingo Halls" (public halls) are typically permitted in, among others, the "G-2" (Regional Shopping Centres) District (i.e. Limeridge Mall, Centre Mall); the "HH" (Restricted Community Shopping and Commercial) District which functions, in effect, as a highway commercial zone; and the "I" (Central Business District, etc.) District;



- it would set a precedent for future similar applications; and
  - approval of the application may contribute to on-site and/or off-site parking conflicts.
4. With respect to parking, the Building Department has advised that since the proposal involves conversion of vacant space in the existing shopping plaza no additional parking would be required. Generally, the parking standard for a "shopping centre" would be applied ( $1 \text{ space}/31 \text{ m}^2$  of floor area between  $450 \text{ m}^2 - 3,700 \text{ m}^2$ ). On this basis, the plaza (proposal plus existing retail space) would require about 105 parking spaces ( $(3,679 \text{ m}^2 - 450 \text{ m}^2) \div 31 = 105$ ), whereas the applicant proposes to provide 152 spaces.

However, inkeeping with By-law No. 86-115 (see BACKGROUND) a minimum of 312 parking spaces are required for the subject lands and the adjoining plaza (1050 Upper Gage). Since 179 spaces are provided for 1050 Upper Gage under DA-88-05 (see BACKGROUND), a minimum of 133 spaces are required for the subject property ( $312 - 179 = 133$ ).

Although the applicant proposes to provide 152 parking spaces (+19), approval of the application could contribute to potential on-site and/or off-site parking conflicts. As a separate use, the proposed "bingo hall" would be classified as a "place of assembly" which require a minimum of 1 parking space per 6 persons who may be lawfully accommodated, or a minimum of 163 spaces ( $929 \text{ m}^2 \div .95 \text{ m}^2 = 978 \div 6 = 163$ ), which is 11 more than proposed for the entire plaza. Cumulatively, the proposal would require a minimum of 238 parking spaces ( $163 \text{ plus } 2,749 \text{ m}^2 - 450 \text{ m}^2 \div 31 = 75 = 238$ ), whereas only 152 are proposed for a deficiency of 86 spaces.

Considering the permitted hours of operation (see BACKGROUND - Licensing), it is anticipated that conflicts could arise for parking usage, especially on weekends (Friday - Sunday).

For comparative purposes, 6 municipalities in Southern Ontario were surveyed with respect to their parking requirements for "Bingo Halls" (see APPENDIX "C"). Only 1 of the 6 municipalities (Oakville) applies the parking standard for a shopping centre where a "bingo hall" is located in the shopping centre. The remaining 5 apply a separate standard or the most restrictive to the "bingo hall", regardless of whether it is located in a shopping centre or not.

In view of the foregoing, it would appear that there is not an adequate supply of parking to accommodate the proposed "Bingo Hall" in conjunction with other permitted uses. Consequently, approval of the application may contribute to on-site and/or off-site parking conflicts.

## CONCLUSION

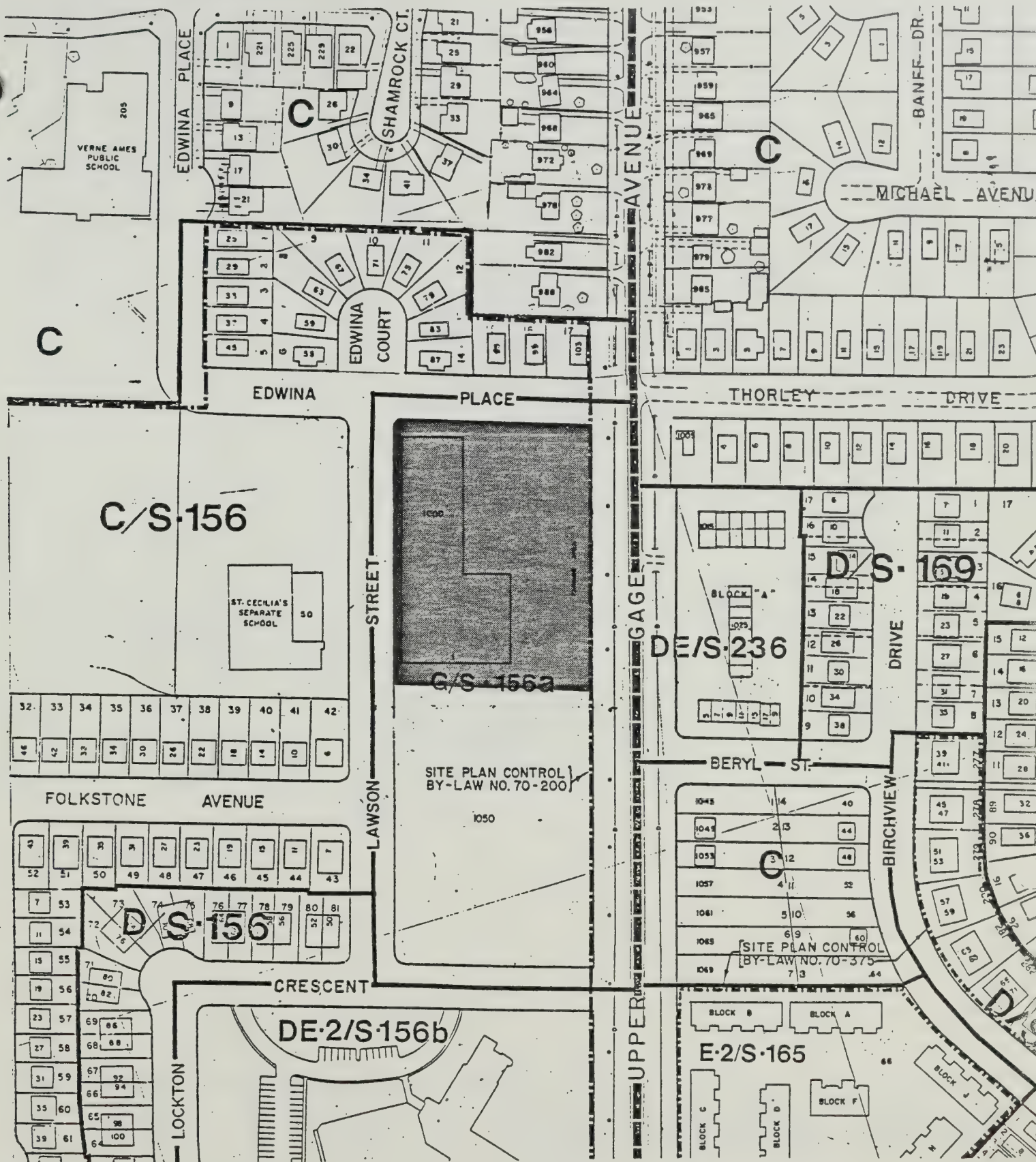
In view of the foregoing, the application should be denied.

PDM/ma

WPO217P



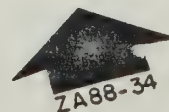




# LEGEND

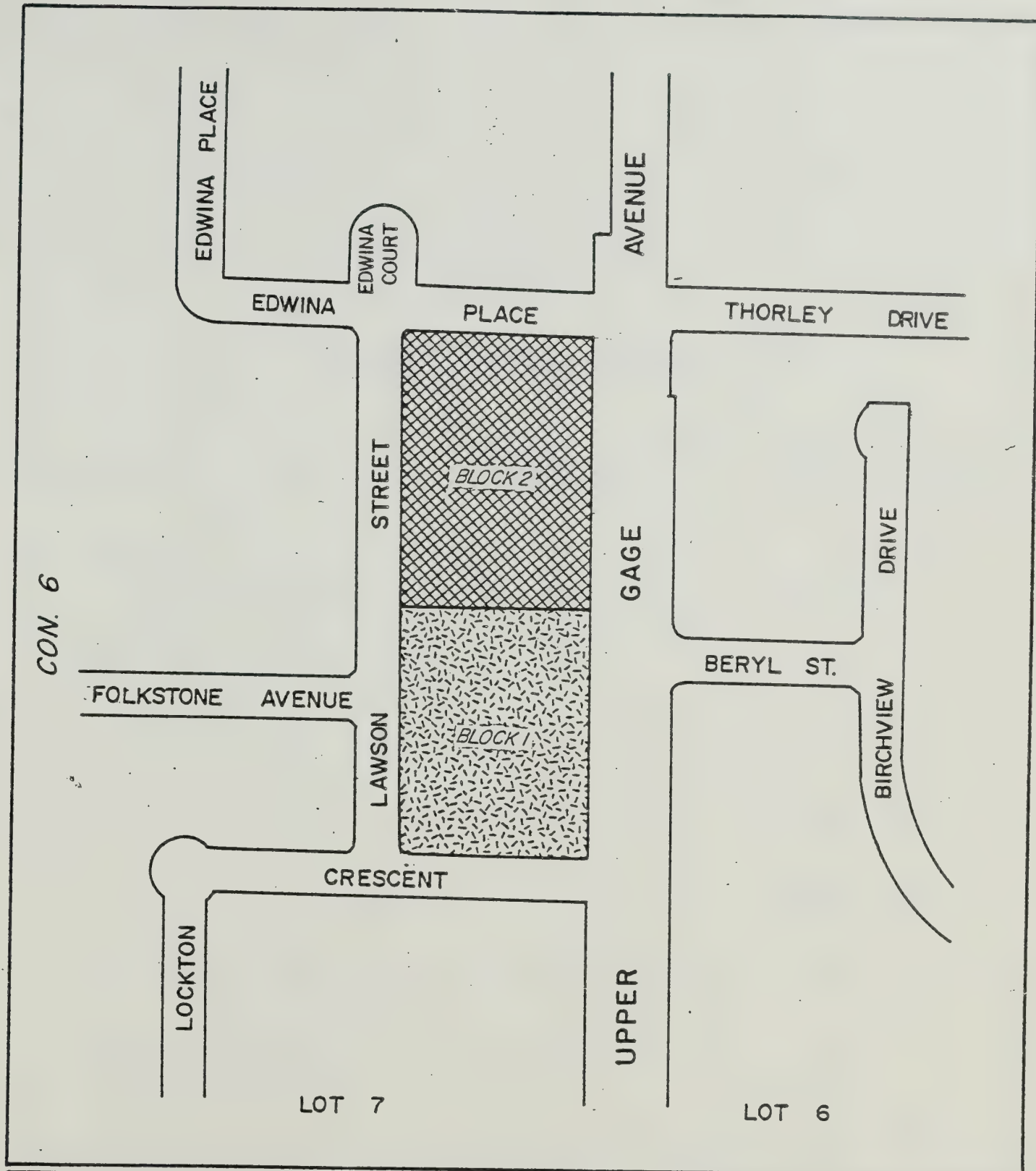


SITE OF APPLICATION



APPENDIX A





CITY OF HAMILTON

KEY MAP

TO BY-LAW NO. 86-115

Regional Municipality of Hamilton-Wentworth  
Planning and Development Department

Legend

BLOCK 1 CHANGE IN ZONING FROM "DE" (LOW DENSITY MULTIPLE DWELLINGS) DISTRICT TO "G" NEIGHBOURHOOD SHOPPING CENTRE, ETC.) DISTRICT.

BLOCK 1 LANDS TO BE REGULATED BY BY-LAW NO. 86-115.

BLOCK 2

North



Scale  
N.T.S.

Date  
86-02-24

Reference File No.  
ZA 85-82

Drawing No.





APPENDIX "C"

SUMMARY OF PARKING REQUIREMENTS

FOR

BINGO HALLS IN OTHER MUNICIPALITIES

<u>MUNICIPALITY</u>	<u>USE</u>	<u>PARKING REQUIREMENT SEPARATE USE</u>	<u>PARKING REQUIREMENT IN SHOPPING PLAZA</u>
* 1. Burlington	Place of Assembly	1 space/6 persons	6 spaces/93 m <sup>2</sup> floor area
2. Etobicoke (Long Beach)	Place of Assembly	1 space/10 persons	same
3. Mississauga	Public Hall	10.8 spaces/100 m <sup>2</sup>	same
4. Oakville	Public Hall	1 space/6 persons	1 space/18 m <sup>2</sup> ground floor area  1 space/28 m <sup>2</sup> above ground floor
5. Scarborough	Place of Entertainment	12 spaces/100 m <sup>2</sup>	same
6. Toronto	Place of Assembly	1 space/10 persons	same

\* NOTE: Most restrictive standard applied.



FOR ACTION

31

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 August 3  
COMM FILE:  
DEPT. FILE: ZA-88-41  
Falkirk East  
Neighbourhood

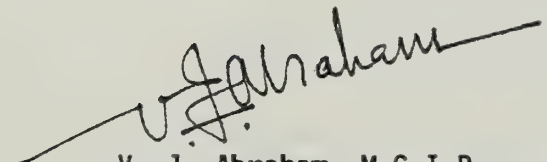
SUBJECT:

Request for changes in zoning - land on the west side of Garth Street in the area north of Rymal Road West.

RECOMMENDATION

(a) That Zoning Application ZA-88-41, Corrado Development Corporation, prospective owner, requesting changes in zoning from the "AA" (Agricultural) District and the "B-2" (Suburban Residential) District to the "E-2" (Multiple Dwellings) District, to permit the future development of 1,000 multiple dwelling units (townhouses and/or apartments) and 6 single-family dwelling units on property located on the west side of Garth Street in the area north of Rymal Road, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

1. The proposed multiple family development conflicts with the intent of the approved Falkirk East Neighbourhood Plan which designates the subject lands for "Single and Double Residential" uses.
2. It would set a precedent for future similar applications.
3. It would be incompatible with existing and future intended uses in the surrounding area.

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

  
J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department



## FINANCIAL IMPLICATIONS

N/A

## BACKGROUND

The applicant proposes to develop the property with a total of 1,006 dwelling units on the following basis (see APPENDIX "B"):

<u>Block</u>	<u>No. of Units</u>
"A"	275 multiple family units
"B"	200 " " "
"C"	250 " " "
"D"	275 " " "
"E"	<u>6</u> single-family units
TOTAL	<u>1,006</u>

In addition, the applicant has advised that the multiple dwellings will have a maximum height of 4 1/2 stories.

## APPLICANT

Corrado Development Corporation, prospective owner.

## LOT SIZE AND AREA

The subject property is irregularly shaped having approximately:

- 359.6 m (1,179.91 ft.) of frontage along Garth Street;
- 76.2 m (250.0 ft.) along Claudette Gate; and
- 8.85 ha (21.8 ac) of lot area.

## LAND USE AND ZONING

	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
<u>SUBJECT LANDS</u>	Vacant	"AA" (Agricultural) District

<u>SURROUNDING LANDS</u>	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
to the north	Single-family dwellings and townhouses	"B-2" (Suburban Residential) District and "RT-20" Townhouse - Maisonette) District
to the west and south	Vacant	"AA" (Agricultural) District, "C" (Urban Protected Residential, etc.) District and "R-4" (Small Lot Single-Family Detached) District
to the east	Townhouses, Church and vacant	"RT-20" (Townhouse - Maisonette) District and "AA" (Agricultural) District

#### OFFICIAL PLAN AND NEIGHBOURHOOD PLAN

The subject lands are designated "RESIDENTIAL" in the Official Plan. Accordingly, the following policies, among others, shall apply:

- "A.2.1.1      The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8      It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.
- D.2.2      The detailed planning for the distribution and location of various land uses in each PLANNING UNIT will be determined or reviewed through the preparation of NEIGHBOURHOOD PLANS. In this regard, Council will ensure that all new development and/or redevelopment complies with the provision of the Plan and the NEIGHBOURHOOD PLAN..."

The subject lands are designated "Single and Double Residential" in the approved Falkirk East Neighbourhood Plan. In this regard, the proposal would not conflict with the intent of the Official Plan, provided the Neighbourhood Plan is amended to redesignate the lands (except for Block "E") as "Medium Density Apartments".

## RESULTS OF CIRCULARIZATION

- The following agencies have no comment or objection:

- The Hamilton Region Conservation Authority;
- LACAC; and
- Building Department.

- The Traffic Department has advised as follows:

"The Traffic Department strongly supports the neighbourhood planning concept which distributes a mixture of land uses within a neighbourhood. This application represents a major change in the approved neighbourhood plan for this area and would seem to jeopardize the usefulness of this plan. If this application were to be approved, we would suggest that a complete neighbourhood plan review be initiated so as to minimize the effects of this change on existing and anticipated developments."

- The Hamilton-Wentworth Department of Engineering has advised as follows:

"...public watermains are available to service the subject lands. Sanitary and storm sewers are not available to service these lands presently, but are scheduled to be installed in 1-2 years.

The designated road allowance width of Garth Street is 36.58 m (120 ft.). The designated road allowance width of Claudette Gate is 26.21 m (86 ft.) with 12.19 m x 12.19 m (40 ft. x 40 ft.) daylight triangles at the intersection of the widened street limits at Garth Street.

As a condition of development we therefore recommend that:

1. Sufficient lands be dedicated to the City of Hamilton to establish the property line 18.29 m (60 ft.) from the centreline of the original Garth Street road allowance. Additional lands may be required because of the grades of Garth Street; this will be determined at the subdivision stage.
2. Sufficient lands be dedicated to the City of Hamilton to establish a 12.19 m x 12.19 m (40' x 40') daylight triangle at the southeast corner of Claudette Gate and Rymal Road (widened street lines).
3. The 1 foot reserve shown as Block "BX" and "CX" be lifted and servicing costs recovered by the City/Region. (Plan 62M-131).
4. The applicant should be advised of a future road widening on Rymal Road West to establish the designated 36.0 m width.
5. Claudette Gate and Roland Rd. should be established by plan of subdivision as a condition of re-zoning.

Any works within the adjacent road allowances, as widened, must conform to the respective street By-laws.

Due to the vertical alignment of Garth Street, access to the individual blocks may not be permitted. These details will be finalized at the site plan or subdivision stage.

Direct access of single and double family housing to Garth Street will also be discouraged. The approval of this application as submitted may likely require that Garth Street be widened. This will be addressed through the plan of subdivision.

The application as submitted does not comply with the intent of the approved Falkirk East Neighbourhood Plan. We therefore recommend that either the intent of the Neighbourhood Plan be complied with or the plan be amended by the appropriate Committees and Councils."

#### COMMENTS

1. The proposal would not conflict with the intent of the Official Plan, provided the approved Falkirk East Neighbourhood Plan is amended to redesignate the subject lands (except for Block "E") from "Single and Double Residential" to "Medium Density Apartments".
2. The proposal cannot be supported for the following reasons;
  - it conflicts with the intent of the approved Neighbourhood Plan which designates the subject lands for "Single and Double Residential" uses;
  - it would set a precedent for future similar applications; and
  - it would be incompatible with existing and future intended uses in the surrounding area.

As illustrated by the following table, the proposed development is approximately 6.75 X greater than the design factor for the approved Neighbourhood Plan (i.e., 7.25 units average per gross acre or 1,006 units  $\div$  149 = 6.75):

<u>BLOCK</u>	<u>NO. OF ACRES</u>	<u>NEIGHBOURHOOD DENSITY</u>	<u>PROPOSED DENSITY</u>
"A"	5.95	43 units	275 units
"B"	4.1	30 "	200 "
"C"	4.57	33 "	250 "
"D"	5.0	36 "	275 "
"E"	.994	7 "	6 "
"F"	.326	N/A	N/A
"G"	.871	N/A	N/A
 TOTAL	 21.8	 149 units	 1,006 units

NOTE: See APPENDIX "B".



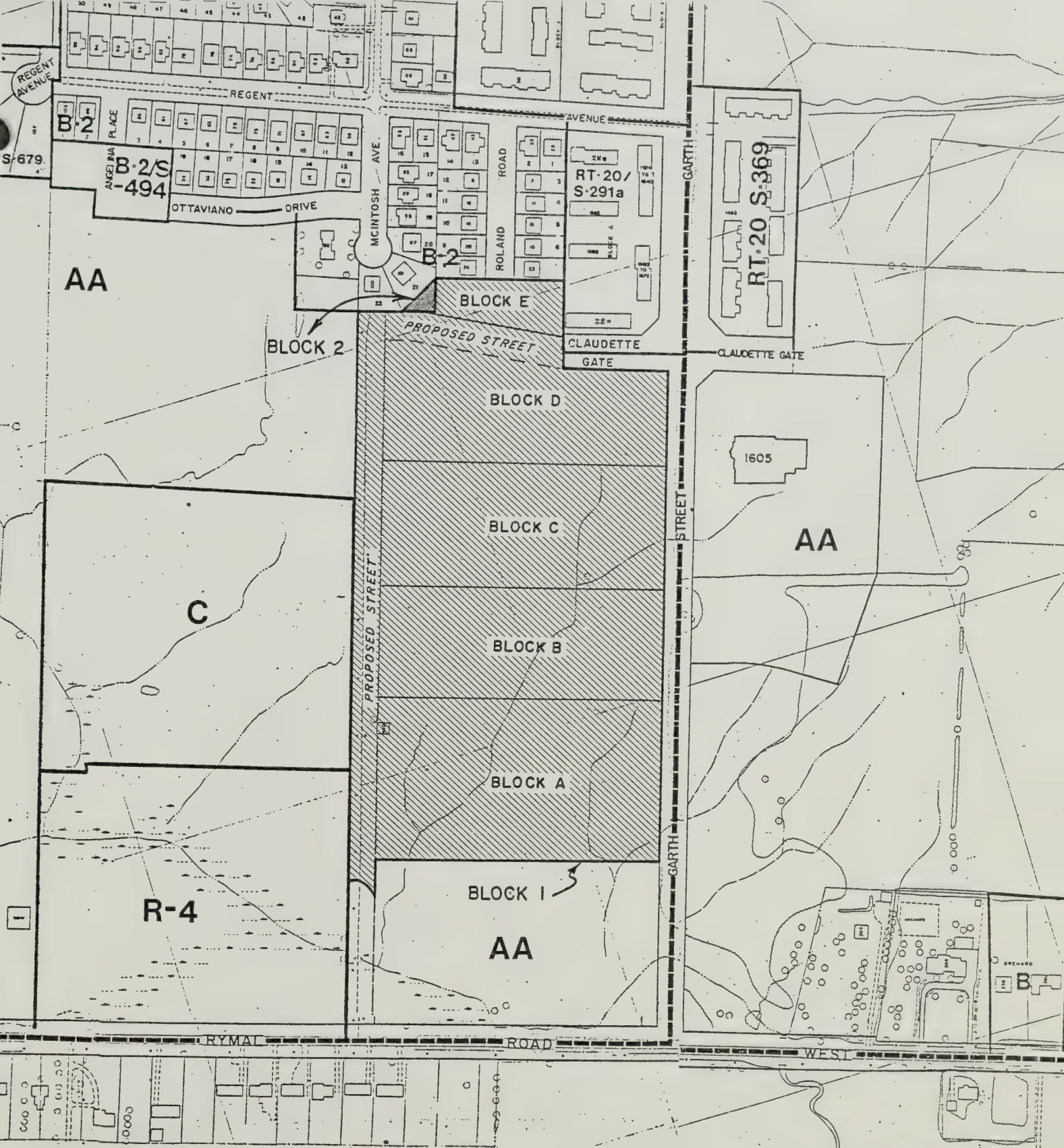
Considering the substantial increase in proposed density and the impacts thereof on the balance of the Neighbourhood, approval of the application would necessitate a comprehensive review of the approved Neighbourhood Plan.

#### CONCLUSION

On the basis of the foregoing, the application cannot be supported.

PDM/ma/cs

WP0057P



### Legend

Proposed change in zoning from:



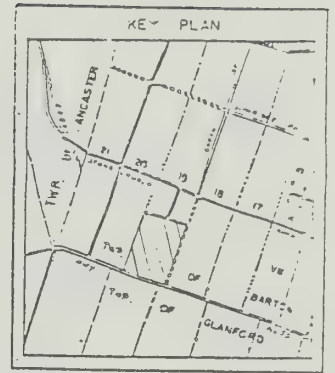
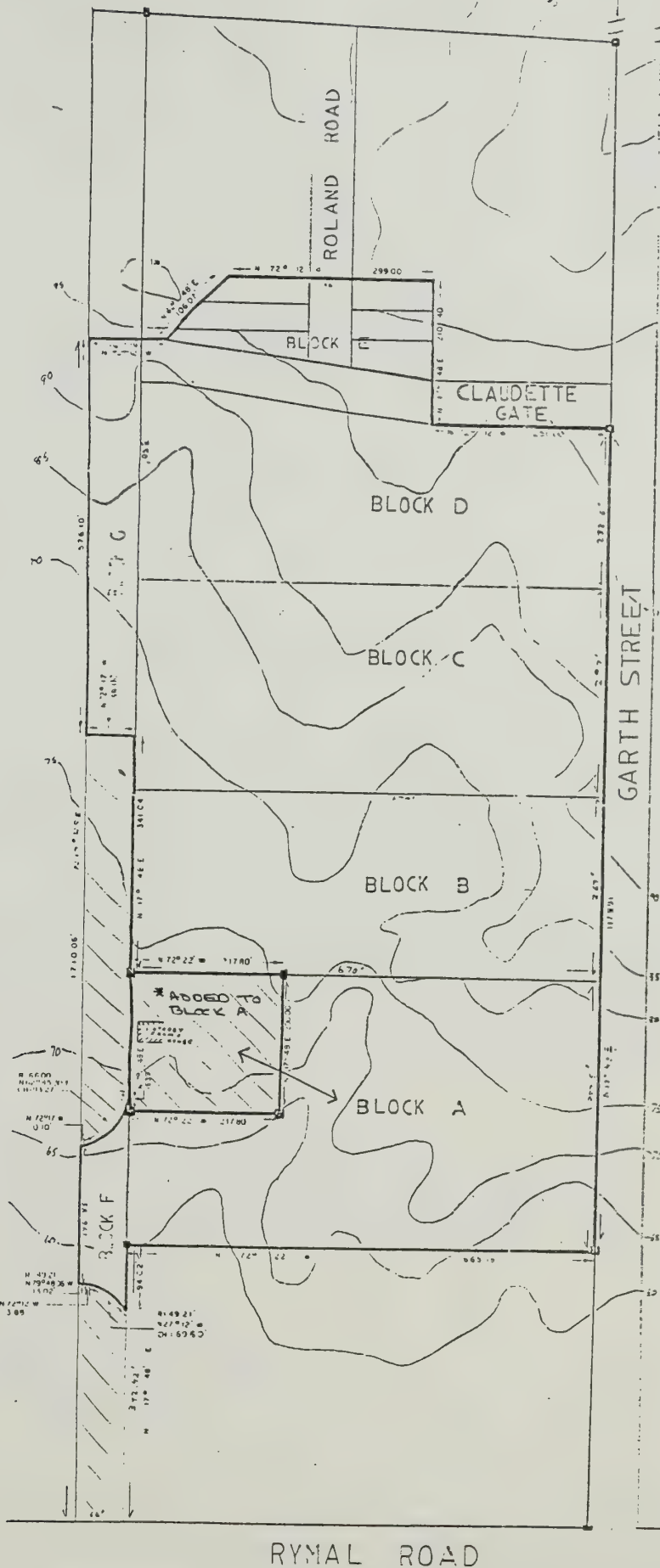
"AA" (Agricultural) District to "E-2" (Multiple Dwellings) District



"B-2" (Suburban Residential) District to "E-2" (Multiple Dwellings) District







# PROPOSED PLAN FOR A MULTI-DWELLING COMMUNITY

## SITE DATA

### BLOCK:

A	275,625 s.f. 20,031 s.m.	4.950 acres 2.0 ha	275 units
B	178,890 s.f. 15,619 s.m.	4.100 acres 1.66 ha	270 units
C	190,990 s.f. 18,486 s.m.	6.57 acres 1.85 ha	270 units
D	217,942 s.f. 20,247 s.m.	5.0 acres 2.03 ha	275 units
E	42,100 s.f. 3,818 s.m.	.944 acres .382 ha	4 units
F	14,190 s.f. 1,318 s.m.	.326 acres .132 ha	nil
G	37,950 s.f. 3,526 s.m.	.871 acres .351 ha	nil

TOTAL	24,882 acres 8.85 ha	1,200 units
Lands not owned by applicant (cross-hatched)	2.381 acres .96 ha	

## STANDARD DEVELOPMENT INFORMATION

540 COMMUNITY STREET

KANITWON, CANADA

416-575-1400

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN

APRIL 12, 1980  
DATE

*[Signature]*  
AT MELANER, OLS

RYMAL ROAD





Mr. & Mrs. A. Di Renzo  
1550 Garth St. Unit 27A  
Hamilton, Ontario  
L9B 1T3

August 5, 1988

The Corporation of the City of Hamilton  
Planning and Development Committee  
City Hall  
Hamilton, Ontario  
L8N 3T4

319

RE: Planning Department File #ZA-88-41

Dear Sirs,

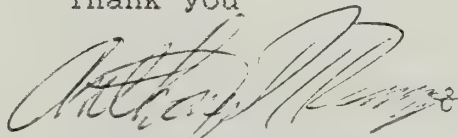
With this letter we wish to express our opposition to the proposed change in zoning for land on the west side of Garth Street in the area north of Rymal Road West.

Land on Garth Street between Mohawk and Rymal Road West is already densely populated, with people living in various projects on both sides of the street. The proposed zoning change would increase the population density to unreasonable proportions, especially when compared to the rest of Hamilton West Mountain.

We feel that this land is a perfect location for some other community service such as a shopping mall, school, community centre, health centre or a recreational facility. This suggestion would directly benefit the large population in this area of West Mountain as well as the senior citizens living in the St. Elizabeth Village. If the Official Plan conflicts with our suggestion, the area should be zoned as "single family units".

Please take note of this letter of opposition in your decision. We hope that the Committee will visually survey the area surrounding the proposed zoning change land. We feel that a visual survey will substantiate our claims.

Thank you



Anthony Di Renzo



Maria Di Renzo



5 August 1971.

The returned may concern:

Further, the proposed zoning change in the Corporation of the City of Hamilton:

To make such a change in

the zoning of this area is far too disruptive for the present make-up of the area. I fear many problems arising from this change.

For example:

1) Selection. Presently the children in the area are walking to R.D. Kiddie or

St. Catherine's. Selection, or being bussed, is taxed to Ridgmont on the nearby St. Catherine's Avenue School.

The local level schools are heavily over-crowded with numerous problems.

The Ridgmont school is even more over-crowded than is a crowded the west

to Ridgmont. Ridgmont's concerns, which will be fully operational with early primary students. Before creating a housing complex where easily seen, children would suddenly appear (existing over 100,000 sq. mi.) and thus pulling a tremendous strain on an already over-burdened educational system, much more thought has to go into this issue.

2) Parks/Recreation. There seems to

be the need for the quality of life regarding this issue. So many more units, multiplying the population greatly, creates large demands for

31b



pre-kindergarten, primary school, secondary  
 libraries, etc. None of which are  
 within walking distance of this  
 case, (in my area) or future population.

- ③ Public Transportation. Generally, ~~more~~  
 parking space per unit is allowed  
 for movement. This will likely serve  
 many parents without transportation, or  
 the one family vehicle will be transporting  
 someone to work. As mentioned earlier,  
 to provide neighborhood facilities, or visit  
 parks, one will either walk, go outside  
 the community, or do without. Could  
 the USSR service such a pocket of  
 high density population - I think not!
- ④ Just said, but not least STURGE.

It is my understanding that the  
 Survey from that location would  
 either be eliminated by operation  
 into the American system, or be purged  
 up into to join the American system.  
 I hesitate to think of the social, psychological  
 and medical complications which could  
 result if the purging system were  
 to develop problems.

In closing, and certainly there are  
 objections to BUCK E being developed  
 will be however, but my objections  
 have been herein stated regarding  
 the drawbacks of the proposal.

Respectfully,  
 The Engineer  
 Shelby Ferguson 7511 E. 1st, Apt. 111, Denver

FOR ACTION

32

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

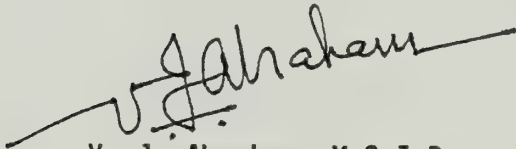
DATE: 1988 August 4  
COMM FILE:  
DEPT. FILE: P5-4-2-15

SUBJECT

Rental Housing Protection Act - Renovation Application RR-88-001 - 61 East Avenue South.

RECOMMENDATION

That the application for renovation of 61 East Avenue South, under the Rental Housing Protection Act be denied, since it may reduce the supply of affordable rental housing.

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

  
J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

EXPLANATORY NOTE

The application is for renovation and repair of the building at 61 East Avenue South which contains six rental units. These are affordable units since the rents charged are below or close to the average rents for two bedroom units elsewhere in the downtown and in the City of Hamilton. Since it will be necessary for the existing tenants to vacate the units to permit the renovations and the rents will be increased following completion of the renovations, subject to the Residential Rent Regulation Act 1986, it is recommended that the application be denied.

## BACKGROUND

Application RR-88-01 under the Rental Housing Protection Act for renovation and repair of the three storey building at 61 East Avenue South was submitted on April 22, 1988. The location of the property is indicated on the map in Appendix "A". This application deals with six residential rental units, all of which are two bedroom units, presently occupied, which rent for between \$410 and \$500 per month. The renovations will include the repair and replacement of plumbing, electrical services, windows and doors, interior walls, kitchen facilities, etc. to upgrade the units to modern standards.

## APPLICABILITY OF THE RENTAL HOUSING PROTECTION ACT

The Act is intended to help preserve the existing scarce supply of rental units, by means of regulating actions such as renovations, demolitions, conversions to condominium and severances. The proposed renovations to the property at 61 East Avenue South would be subject to the Act, since the building has more than four units, and the monthly rents are presently in the affordable range.

## ANALYSIS

The Act states that at least one of the following three criteria contained in Section 8(1) of the Regulations must be met:

### 1. Physical Condition of Rental Building

Council may approve applications for renovation and repair if the proposed work is essential to make a building habitable, and if vacant possession is required to carry out the work.

Neither the Building Department or the applicant have indicated that they feel the building is not habitable, or in need of repair in order to be made habitable. The proposed improvements are intended to upgrade this building which is currently in use. Therefore, this criterion is not applicable.

### 2. Provision of Alternate and Replacement Accommodations

The Act allows for approval of renovation applications if the applicant agrees:

- "i) to provide the same number of new rental units in a similar rental range and in the same area as those for which approval is given; and,
- ii) to provide rental accommodation in the same area of similar quality and rent, either in the new rental units or in other existing rental residential property, to any tenant who is required to give up possession of a rental unit as a result of the approval."

The applicant has indicated that six units will continue to be rental units following the renovations. The existing tenants will be given first right of refusal of these units. The rents will be increased by an amount to be determined by the provincial Rent Review legislation. The costs of the renovations can be passed along to some extent in the increased rents. The existing tenants may therefore be permanently displaced, if they are unable to afford the new higher rents.

### 3. Impact on the Overall Rental Housing Supply

Council may approve an application for renovation if ... "in the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality," (i.e. the municipality as a whole, or the vicinity of the proposal). This evaluation could be based on the anticipated impact on vacancy rates, the elimination of below average rents, etc.

Information on average rents and vacancy rates for the area is contained in Appendix "B". The application would have an adverse effect on the supply of affordable rental housing, since the existing rents charged of between \$410 and \$500 per month fall with or close to the below average rents for this area which are \$435 and less. These units may move up out of the affordable range once the new rents are determined.

### ADVANTAGES AND DISADVANTAGES

The proposed renovations to this building would have the following advantages:

- the six rental units would be updated and modernized, thus improving the rental supply; and
- the existing tenants would have an opportunity to rent the renovated units, following their completion, if they are able to afford the rents.

The renovations would have the following disadvantages:

- The new rents which will be charged are not known, since they are subject to the rent review legislation. It is not anticipated that the new rental rates will be known for some time, perhaps several months. These units may move out of the affordable range, thereby reducing the supply of affordable units.



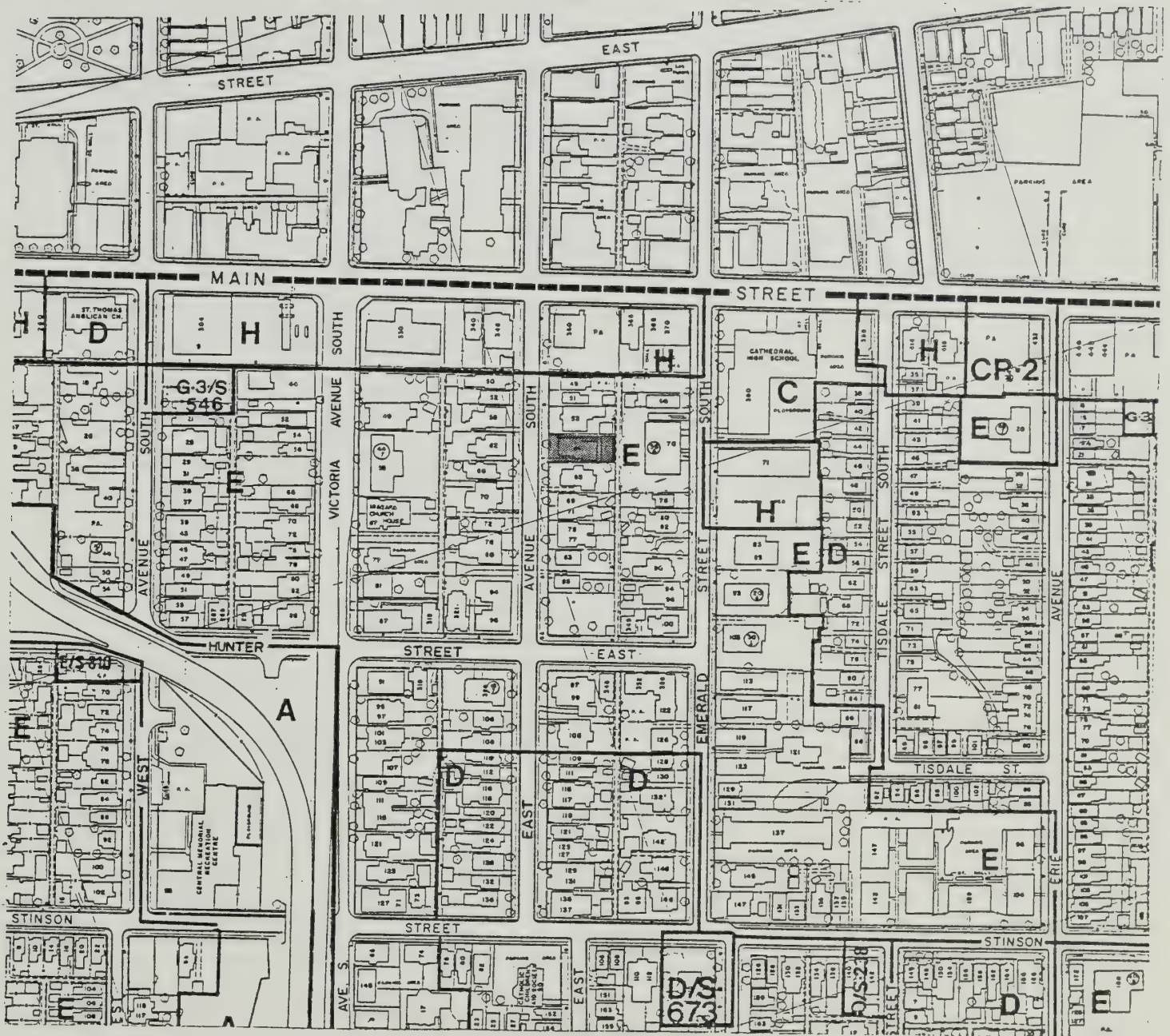
- the current low vacancy rates mean that any displaced tenants who are unable to afford the increased rents would have difficulty finding similar accommodation of the same price, in the same area.

### CONCLUSIONS

In summary, the proposed renovations would result in increased rents and possible displacement of some tenants. The exact impacts are difficult to predict, since the new rental rates have not yet been determined. Therefore, it is recommended that the application be denied on the basis that it may reduce the supply of affordable rental housing.

V.G.:nd/dkp/cs

W.P. DOC. 0022P



# APPENDIX "A"



SITE OF APPLICATION:  
61 EAST AVENUE SOUTH

RENTAL HOUSING PROTECTION ACT  
APPLICATION RR-88001





RENTAL MARKET STATISTICS  
RELATED TO 61 EAST AVENUE SOUTH

	<u>Area</u>	<u>Unit Type</u>	<u>Average Rents</u>	<u>Vacancy Rate</u>	<u>Total Units</u>	<u>Vacant Units (Est.)</u>
1.	Downtown Hamilton	a) Two Bedroom b) All Units	\$435	0.2% 0.4	3,476	7
2.	City of Hamilton	a) Two Bedroom b) All Units	417	0.2 0.4	12,629	25
3.	Hamilton C.M.A.	a) Two Bedroom b) All Units	450	0.2 0.3	17,570	35

Notes:

1. Source: C.M.H.C. Local Report - Hamilton Rental Market Survey - October 1987.
2. The number of vacant units is calculated by multiplying the number of total units by the vacancy rate.
3. Downtown Hamilton - includes area bounded by Queen, Cannon, Wentworth Streets and Escarpment.
4. Hamilton C.M.A. - includes Hamilton, Burlington and Grimsby.
5. Preliminary information from the April, 1988 CMHC Hamilton report indicates that vacancy rates for Downtown Hamilton have decreased to 0.1% for two-bedroom units and total units.





A4 ON HBL AGS  
C51P4



URBAN MUNICIPAL  
LIBRARIAN

E. A. SIMPSON  
CITY CLERK

K. E. AVERY  
DEPUTY CITY CLERK

HAMILTON, ONTARIO  
L8N 3T4

**THE CORPORATION OF THE CITY OF HAMILTON**  
OFFICE OF THE CITY CLERK

1988 August 22

NOTICE OF SPECIAL MEETING

Planning and Development Committee  
Tuesday, 1988 August 30th  
5:30 o'clock p.m.  
Room 233, City Hall

URBAN MUNICIPAL

Susan K. Reeder  
Secretary

AUG 25 1988

SKR:dbm

GOVERNMENT DOCUMENTS

As members of the Committee are aware, the Agenda of the regular meeting of the Planning and Development Committee held Wednesday, 1988 August 17th, was not completed due to a loss of a quorum.

As a result a Special Meeting of the Planning and Development Committee will be heard prior to City Council to complete the Agenda items.

A Hot Dinner will be served at 5:00 p.m.

A G E N D A

DIRECTOR OF PROPERTY

1. Purchase by the City - 409 Sherman Avenue North.
2. Release of Building Covenants - Dundurn Inn Ltd., - south west corner of York Boulevard and Dundurn Street North.
3. Release of Building Covenants - 70 Covington Street.
4. Lease Agreement - Hamilton Rail Station - Commuter Parking - "Go Transit" - Strachan Street East.

I



LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

5. Application for Ministry of Culture and Communication Technical Consulting Service - 171 Forest Avenue.

BEACH IMPLEMENTATION COMMITTEE

6. Neighbourhood Plan Advisory Committee - Hamilton Beach.
7. Proposed Official Plan Amendment - Hamilton Beach.
  - (a) Report - Director of Local Planning.

CITY SOLICITOR

8. Bill - Amendment to Zoning By-Law No. 6593 with respect to the definition of "Family".

DIRECTOR OF LOCAL PLANNING

9. Amendment to Zoning By-Law No. 6593 - "Family" Definition.
10. Subdivision Application 86-20 - north of Rymal Road East, west of Upper Gage Avenue.
11. Project Proposal - Official Plan Conformity with the Niagara Escarpment Plan.
12. Publication of an Information Brochure - Student Housing Task Force recommendation.
13. Other Business.
14. Adjournment.





FOR ACTION

REPORT TO: Mrs. S. K. Reeder  
Secretary, Planning and Development Committee

FROM: Mr. D. W. Vyce  
Director of Property

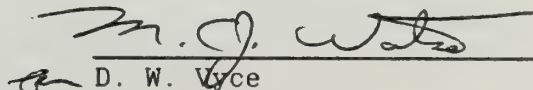
DATE: 1988 August 9  
COMM FILE:  
DEPT FILE: 100.11.23  
(4504)

SUBJECT: Purchase by the City - 409 Sherman Avenue North  
Richard R. Williams

RECOMMENDATION:

That an Option to Purchase the property at 409 Sherman Avenue North by Richard R. Williams, executed on August 9, 1988 and scheduled to close on or before October 6, 1988 be completed.

This property is required in connection with the acquisition of lands in the Alpha Enclave (West) and has a frontage of 20.5 feet, more or less, by a depth of 90 feet, more or less, together with all structures erected thereon. The purchase price of \$53,600.00 in accordance with Schedule "A" attached, and all costs and associated expenses, including Tenant Moving Allowances, to be charged to account 0408-W75266. Demolition is to take place upon closing.

  
D. W. Vyce

FINANCIAL IMPLICATIONS:

*There will be revenue generated by the disposal of the assembled lands. The amount is not known at this time.*

BACKGROUND:

In accordance with City Council's instructions (Item 27, July 28, 1987) to acquire the properties in Alpha Enclave West, we enclose herewith, an Option to Purchase Agreement for 409 Sherman Avenue North in the amount of \$53,600.00

Attach.

c.c. Mr. K. A. Rouff, City Solicitor  
Mr. E. C. Matthews, City Treasurer  
Mr. M. Chidley, Regional Surveyor  
Mr. R. Swan, Manager, Property Maintenance Division  
Mr. P. Kuppe, Building Commissioner Attn: Monica German

SCHEDULE "A"

<u>Property Address</u>	<u>Owner's Interest</u>
409 Sherman Avenue North	RICHARD R. WILLIAMS

ELEMENTS OF COMPENSATION

Market Value of Realty	\$53,000.00
Legal Fees (David Helson)	<u>600.00</u>
TOTAL COMPENSATION	\$53,600.00

Appurtenances and fixtures for which compensation is being paid as listed below and which must remain on the premises when vacant possession is given. It is understood and agreed that all fixtures, fittings and chattels not itemized herein which are left behind on the premises at the time vacant possession is delivered, shall be deemed to be abandoned and The Corporation of the City of Hamilton may dispose of same.

<u>Floor Coverings:</u>	Linoleum, tiles, carpeting, any covering normally held down with tacks or glue, etc.
<u>Electrical Apparatus:</u>	Built in fans, light fixtures, sockets, bulbs, fuses, wiring, switches, plugs, switch plates, fuse boxes, electrical equipment which is built in, appliances belonging to the City, antennae, air conditioners, door chimes, door bells, etc.
<u>Plumbing:</u>	Toilets, sinks, piping, drains, taps, handles, washtubs, faucets, showers, cistern, and well pumps, and motors, sump pumps and motors, etc.
<u>Miscellaneous:</u>	Awnings, doors, door knobs, locks, screens, storm windows, fences, gates, enclosures, sheds, outbuildings, patio stones, fireplaces, outdoor lights, flame hoods and exhaust fans, furnaces, ducts, humidifiers, thermostats, steps, cupboards, closets, wall mirrors, door mirrors, permanent shelving, mailboxes, shrubs, trees, plants, sod, flowers, gravel, railings, trellises, etc., with the exception of the front and rear reinforced doors which will be replaced and the bar located on the first floor.

It is understood and agreed that the amount of \$53,600.00 is in full and final payment of all compensation whatsoever which RICHARD R. WILLIAMS might be entitled to as a result of the purchase by The Corporation of the City of Hamilton of the land and buildings known as 409 Sherman Avenue North, Hamilton, Ontario.

DATED at Hamilton this 9th day of August 1981.

WITNESS:

	
	RICHARD R. WILLIAMS

OPTION TO PURCHASE

BETWEEN: RICHARD R. WILLIAMS

David Nelson  
In care of Barrister & Solicitor  
25 Main Street West, Suite 1000  
Hamilton, Ontario L8N 3M8

Hereinafter called "the Owner"  
OF THE FIRST PART;

THE CORPORATION OF THE CITY OF HAMILTON

Hereinafter called "the City"  
OF THE SECOND PART:

In consideration of the sum of -----One----- DOLLARS (\$1.00 ) paid by the City to the Owner (the receipt whereof is hereby acknowledged) the Owner hereby grants to the City the sole and exclusive option, irrevocable within the time for acceptance herein limited, to purchase the following property owned by the Owner, namely, the lands and premises situate in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth and being composed of part Lot 6, Plan 547, having a frontage along the western limit of Sherman Avenue North of 20.5 feet, more or less, by a depth 90 feet, more or less, bearing municipal address 409 Sherman Avenue North.

Forming part of this Option to Purchase are Schedule(s) A attached hereto.

The purchase price of the said property shall be the sum of Fifty-Three Thousand, Six Hundred----- DOLLARS (\$53,600.00) of lawful money of Canada.

The sum of \$ 1.00 already paid to (the agent for) the Owner as consideration for the granting of this Option shall be credited to the City and allowed as part of the purchase price.

The Option hereby granted shall be open for acceptance by the City up to, but not after, the 6th day of September 19 88, and may be accepted by a letter mailed or delivered to the ~~owner/solicitor/agent~~ at the above address. In the event that this Option is not accepted this Option and everything herein contained shall be null and void and no longer binding upon any of the parties hereto and the Owner shall be entitled to retain the said sum given as consideration for the granting of this Option.

In the event of and upon the acceptance of this Option by the City this Option and the letter accepting this Option shall then become a binding contract of purchase and sale between the parties hereto and payment of the said purchase price to the Owner shall constitute complete satisfaction to the Owner for all actions, claims and demands of the Owner for compensation for lands expropriated, for compensation for lands injuriously affected, if any, and for cost, if any, to which the Owner may be entitled by reason of the City having passed a by-law or by-laws expropriating the said lands or any part or parts thereof and for damages and costs, if any, by reason of the act, neglect or default by the City or by anyone on its behalf in respect of the said lands.

Provided that the title is good and free from all encumbrance, except as aforesaid and except as to any registered restrictions and covenants that run with the land, provided that such are complied with. The City is not to call for the production of any title deeds, abstract or evidence of title except such as are in the possession of the Owner.

The City is to be allowed 28 days from the date of the acceptance of this Option to examine the title at its own expense. If within that time any valid objection to title is made in writing to the Owner which the Owner shall be unable or unwilling to remove and which the City will not waive the contract arising out of the acceptance of this Option shall, notwithstanding any intermediate acts or negotiations in respect of such objections, be null and void and the deposit (including the sum paid for the granting of this Option) shall be returned by the Owner without interest and he and the agent shall not be liable for any costs or damages. Save as to any valid objection so made within such time the City shall be conclusively deemed to have accepted the title of the Owner to the real property.

The contract arising from the acceptance of this Option shall be completed on or before October 6, 1988 on which date the Owner will convey the said lands to the City or to its nominee by a good and sufficient deed thereof in fee simple, free and clear of all encumbrances, save as aforesaid, and shall deliver vacant possession of the said lands to the City free of all tenancies, leasehold interests or any other rights or interests therein.



Taxes, including Owner's business tax, local improvements, water and sewer rates, etc., to be apportioned and allowed to the date of completion, and no adjustment shall be made for fuel oil.

The Vendor agrees to cancel and terminate all insurance pertaining to the said premises, no later than the actual date and time of closing and prior to the grant, conveyance or transfer of ownership and title to the purchaser, said cancellation and transfer shall be at the full cost and expense of the Vendor.

Pending completion of the sale arising out of the acceptance of this Option the Owner will hold all fire insurance policies and the proceeds thereof in trust for the parties hereto as their interests may appear and in the event of damage to the said premises the City may either take the proceeds of the insurance, if any, and complete the purchase or may cancel this Option whether accepted or not and have all monies theretofore paid (including the sum paid for the granting of this Option) returned without interest.

The Owner covenants and agrees with the City to do nothing to encumber the said property after the execution of this Option by the Owner prior to the completion or other termination thereof, and agrees that the City may, in the presence of the owner or his representative inspect the property on the said date of completion, prior to the closing of the transaction.

It is understood and agreed that if the said land is within a redevelopment area, the closing of this transaction is conditional upon the approval of the Minister of Municipal Affairs and Housing under The Planning Act. It is also understood and agreed that if the said land is within an urban renewal area, the closing of this transaction is conditional upon the approval of Canada Mortgage and Housing Corporation.

Any tender or documents or money may be made upon the parties hereto or their solicitors or agents and shall be either by cash or certified cheque or in the case of payment by the City by means of the City's uncertified cheque.

This Option is to be read with all changes of gender or number required by its context.

Time shall be of the essence of this Option and of the contract arising from the acceptance thereof which shall enure to the benefit of and be binding upon the parties hereto, their respective heirs, executors, administrators, successors and assigns.

DATED at Hamilton this 9<sup>th</sup> day of August 1987.

SIGNED, SEALED AND DELIVERED  
in the presence of

m. j. w.

) Richard R. Williams (Seal)  
) RICHARD R. WILLIAMS  
) \_\_\_\_\_ (Seal)  
) \_\_\_\_\_ (Seal)

The Undersigned Spouse of the Vendor hereby consents to the disposition evidenced herein pursuant to the provisions of The Family Law Reform Act, 1978, S.O.1978, c.2, as the same may be amended from time to time.

In consideration of the sum of One Dollar (\$1.00), (the receipt of which from the City is hereby acknowledged), the undersigned spouse of the Vendor hereby agrees with the City that he/she will execute all necessary or incidental documents to give full force and effect to the sale evidenced herein.

Year Month Day  
Date \_\_\_\_\_  
Witness \_\_\_\_\_ Spouse \_\_\_\_\_ (Seal)

9/17/87

FOR ACTION

2.

REPORT TO: Mrs. S. K. Reeder  
Secretary, Planning and Development Committee

FROM: Mr. D. W. Vyce  
Director of Property

DATE: 1988 July 14

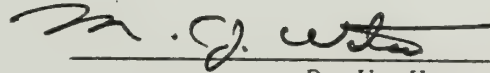
COMM FILE:

DEPT FILE: 20.1.160  
(2738)

SUBJECT: Release of Building Covenants - Dundurn Inn Ltd.  
South West Corner of York Boulevard and  
Dundurn Street North, Hamilton, Ontario

RECOMMENDATION:

That the City Solicitor be authorized to prepare a Quit Claim Deed from the City of Hamilton to the present owners of 149 Dundurn Street North. Hamilton. Ontario to release the property from the construction covenants to the City as contained in deed number 147660 C.D.

  
\_\_\_\_\_  
D. W. Vyce

FINANCIAL IMPLICATIONS - N/A

BACKGROUND

In adopting Item 18 of the First Report of the Board of Control on January 10, 1978, as amended by Item 20 of the Tenth Report of the Board of Control on February 13, 1979, City Council authorized the sale of the City owned property at 153 Dundurn Street North and 54 Woodbine Crescent to Roxborough Development Corporation and Iona Development Corporation. The transaction was completed on January 4, 1980. On June 12, 1987 a 9,500 square foot building was completed on the site.

This Department supports the request of the owners that the City of Hamilton release the construction covenants contained in deed number 147660 C.D. in order to clear the title.

All the covenants as noted above have been fulfilled.

c.c. - Mr. K.A. Rouff, City Solicitor

- Mr. M. Chidley, Regional Surveyor



FOR ACTION

3.

REPORT TO: Mrs. S. K. Reeder  
Secretary, Planning and Development Committee

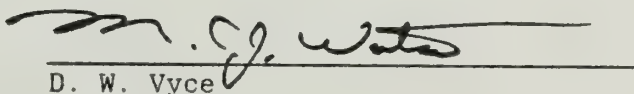
FROM: Mr. D. W. Vyce  
Director of Property

DATE: 1988 July 14  
COMM FILE:  
DEPT FILE: 20.1.54(2738)

SUBJECT: Release of Building Covenants - Ted Paul - Lot 15,  
Plan 1332, Hamilton Industrial Estates No. 2 -  
70 Covington Street - Hamilton, Ontario

RECOMMENDATION:

That the City Solicitor be authorized to prepare a Quit Claim Deed from the City of Hamilton to the present owner of 70 Covington Street, Hamilton, Ontario, to release the property from the construction covenants to the City as contracted in deed number 117945 A.B.

  
D. W. Vyce

FINANCIAL IMPLICATIONS - N/A

BACKGROUND

In adopting Item 19 of the Report of the Board of Control, City Council on February 27, 1968 authorized the sale of Lot 15, Plan 1332. This transaction was completed on January 13, 1969 and on February 2, 1972, a 12,000 square foot building was completed on this site.

This Department supports the request of the owner that the City of Hamilton release the construction covenants contained in deed number 117945 A.B. in order to clear the title.

All the covenants as noted above have been fulfilled.

c.c. - Mr. K.A. Rouff, City Solicitor

- Mr. M. Chidley, Regional Surveyor





FOR ACTION

4.

REPORT TO: Mrs. S. K. Reeder  
Secretary, Planning and Development Committee

FROM: Mr. D. W. Vyce  
Director of Property

DATE: 1988 August 8  
COMM FILE:  
DEPT FILE: 60.3.17

SUBJECT: Hamilton Rail Station - Commuter Parking  
"Go Transit" - Strachan Street East -

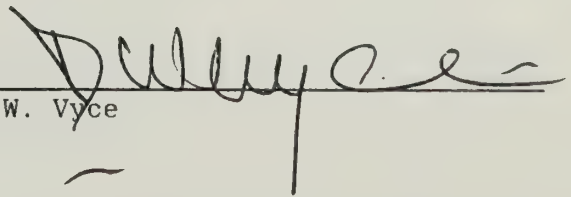
RECOMMENDATION:

1. That the Mayor and City Clerk be authorized to execute a lease with the Toronto Area Transit Operating Authority for the property described as Part 1, 2, 3 and 4 on Plan 62R-6290 located on Strachan Street East.
2. That the lease be in a form satisfactory to the City Solicitor.

Note: The lease is for a period of two (2) years, to be commenced August 1, 1988 and ending on July 31, 1990. In the event that both parties mutually agree to extend the lease for an additional term commencing August 1, 1990 to July 31, 1992, the parties agree that such extension shall be in accordance with and subject to the same terms and conditions.

In the event the premises are not required for the Industrial Perimeter Road Project consideration will be given to a further two (2) year extension upon such terms and conditions as the parties may agree.

The rent payments are \$9,636.00 per year plus realty taxes paid in advance in monthly installments of \$803.00 on the first day of each month and commencing August 1, 1988.

  
D. W. Vyce

FINANCIAL IMPLICATIONS: - N/A

BACKGROUND:

In adopting Item 1 of the 15th Report of the Planning and Development Committee, City Council on August 17, 1982 approved in principle the lease with the Toronto Area Transit Operating Authority, ("Go Transit"). On July 26, 1983 City Council in adopting Item 18, approved of the lease terms with "Go Transit".

Due to lack of ridership of the Go Train, the Toronto-Area Transit Authority terminated the lease with the City of Hamilton.

Most recently, this department has been advised that "Go Transit" wanted to renew the lease for the Strachan Street Parking Lot as the Go service has increased dramatically.

A new agreement was negotiated and we are prepared to recommend the lease terms be approved and the attached lease be executed.

Attach.

- c.c. - Mayor R.M. Morrow
- Mr. L. Sage, Chief Administrative Officer
  - Mr. Wm. Sears, Regional Chairman
  - Mr. E.C. Matthews, City Treasurer
  - Mr. K.A. Rouff, City Solicitor
  - Mr. Peter Baker, General Manager, Parking Authority

## FOR ACTION

5.

REPORT TO: Mrs. S. Reeder, Secretary  
Planning and Development Committee

FROM: Miss C. Coutts, Secretary  
Local Architectural Conservation  
Advisory Committee

DATE: 1988 August 4

COMM FILE:

DEPT FILE:

SUBJECT:

171 Forest Avenue - Application for M.C.C. Technical Consulting Service

RECOMMENDATION

That the City of Hamilton apply for the Technical Consulting Service to obtain the assistance of a masonry conservation expert for the designated house at 171 Forest Avenue in order to assess the scope and cost of the stone masonry repairs, to prioritize the work and determine the most appropriate conservation techniques to be used.

- C. Coutts

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

This service is provided at no cost to the municipality or the property owner.

BACKGROUND

LACAC gave preliminary approval to this recommendation at its 1988 July 25 meeting.

The owner is interested in heritage funding for this work and has obtained several estimates. Estimates for repairs to all four walls (3 rubblestone walls and a brick facade) ranged from \$27,000 to \$35,000.

Due to the poor condition of the stonework and the estimated high cost of the repairs, LACAC staff requested advice from staff for the Ministry of Culture and Communication's Preserving Ontario's Architectural Program.



Ms. Susan Myers, Technical Advisor for the Program visited the building with LACAC staff July 12.

Because of a badly deteriorated condition of the stonework (need for extensive stone replacement and repointing) and the use of portland cement for previous repointing, Ms. Myers strongly advised that the City apply for the Ministry's Technical Consulting Service.

FOR ACTION

6.

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1988 July 15  
COMM FILE:  
DEPT. FILE: P5-2-60

FROM: D. GODLEY, CO-ORDINATOR  
BEACH IMPLEMENTATION COMMITTEE

SUBJECT:

Hamilton Beach, Neighbourhood Plan Advisory Committee

RECOMMENDATION

That the Planning and Development Committee authorise the use of an Advisory Committee for the preparation of a neighbourhood plan composed of the current members of the Beach Implementation Committee and seven (7) owners/tenants from Hamilton Beach.



Alderman R. Wheeler  
Chairperson  
Hamilton Beach Implementation Committee

FINANCIAL IMPLICATIONS

N/A)

BACKGROUND

- Collection of background information for the Beach Neighbourhood Plan has started in accordance with the work program for the Planning and Development Department.
- Generally in neighbourhood planning exercises the Advisory Committee is drawn from the neighbourhood. However, there are the following advantages in adding seven (7) new members from the Beach to the Beach Implementation Committee.

- conflict between and confusion about the Beach Implementation Committee and an Advisory Committee will be avoided.
  - the Beach Implementation Committee is working harmoniously and with its knowledge can make effective contributions to a neighbourhood plan
  - continuity will be provided and the principles of the Concept Plan will be given some protection.
  - a majority of Committee members will be from the neighbourhood, thus ensuring a strong community input.
- It is anticipated that Advisory Committee meetings will take place early in 1989 and the plan completed in Fall 1989.
  - It is proposed that new members of the Advisory Committee be recruited through a Beach newsletter which would be circulated to all owners and occupiers in the area and that the Beach Implementation Committee would select the additional members. A list of current Beach Implementation Committee members is attached.
  - A letter of support for the recommendation from the Director of Local Planning is attached.

DG/dkp

Attach.

WP 0056P

HAMILTON BEACH IMPLEMENTATION COMMITTEE

COMMITTEE COMPOSITION AND MAILING LIST

W.P. Doc.: 0103P (Filed on disc #0107P)

P5-2-60

MEMBERS

REPRESENTING

- |  |                              |
|--|------------------------------|
| 1. Alderman Reg Wheeler<br>Second Floor, City Hall<br>526-2730   | City of Hamilton             |
| 2. Alderman Geraldine Copps<br>Second Floor, City Hall<br>526-2730   | City of Hamilton             |
| 3. Alderman Dominic Agostino<br>Second Floor, City Hall<br>526-2730  | City of Hamilton             |
| 4. Alderman Dave Christopherson<br>Second Floor, City Hall<br>526-2730   | City of Hamilton             |
| 5. Councillor Richardson<br>City of Stoney Creek<br>777 Highway No. 8<br>Stoney Creek, Ontario<br>L8G 4N9<br>573-3333              | Hamilton Region C.A.         |
| 6. Councillor Stan Napper<br>City of Stoney Creek<br>777 Highway No. 8<br>Stoney Creek, Ontario<br>L8G 4N9<br>643-1261             | Region of Hamilton-Wentworth |
| 7. Linda Marshall<br>Hamilton Beach Study<br>Steering Committee<br>913 Beach Boulevard<br>Hamilton, Ontario<br>L8H 6Z6<br>545-6350 | Hamilton Beach               |
| 8. Gil Simmons<br>449 Bay Street North<br>Hamilton, Ontario<br>L8L 1N2<br>522-9974   | Hamilton Citizens            |
| 9. Al Stacey<br>33 Undermount Avenue<br>Hamilton, Ontario<br>L8P 3Z7<br>527-2274   | Hamilton Region C.A.         |



10. Mr. Michael Gagnon  
668 Beach Boulevard  
Hamilton, Ontario  
L8H 6Y3  
545-1121

Hamilton Beach

CO-ORDINATORS

11. David Godley  
Planning Department  
7th Floor, City Hall  
526-4229
12. Mr. R. W. Chrystian  
Hamilton Region  
Conservation Authority  
P.O. Box 7099  
Mineral Springs Road  
Ancaster, Ontario  
L9G 3L3  
648-4427

MAILING

13. Ed Kowalski  
Director of  
Community Development  
3rd Floor, City Hall
14. Jim Leach  
Commissioner of  
Engineering Department  
6th Floor, City Hall
15. Dan Vyce  
Director of Property  
1st Floor, City Hall
16. Joe Pavelka  
Director of Public Works  
4th Floor, City Hall
17. Bob Mackenzie, M.P.P.  
1522 Main Street East  
Hamilton



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Planning and Development Department  
71 Main Street West, Hamilton, Ontario L8N 3T4

Reference: P5-2-60

Attention:

City Clerk

July 15, 1988

Mrs. Susan Reeder  
Secretary  
Planning and Development Committee  
City Clerk's Department  
City Hall, Hamilton

Dear Mrs. Reeder:

Re: Hamilton Beach Neighbourhood Plan Advisory Committee

I support the recommendations of the Beach Implementation Committee for the reasons given in the report. I shall be allocating staff time for the speedy completion of the Beach Neighbourhood Plan in my work program for 1989.

Yours truly,

V. J. Abraham, M.C.I.P.  
Director of Local Planning

DG/dkp

WP 0056P



## FOR ACTION

7.

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: D. GODLEY, CO-ORDINATOR  
BEACH IMPLEMENTATION COMMITTEE

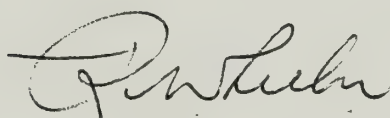
DATE: 1988 July 15  
COMM FILE:  
DEPT. FILE: P5-2-60

SUBJECT:

Hamilton Beach, Proposed Official Plan Amendment

RECOMMENDATION

- a) That the Planning and Development Committee direct the Planning and Development Department to prepare an Official Plan Amendment for Hamilton Beach to reflect the Hamilton Beach Concept Plan
- b) That the Planning and Development Committee authorise a public meeting to consider the proposed Official Plan Amendment.
- c) That City Council request Regional Council to amend the Hamilton-Wentworth Region Official Plan to reflect the Hamilton Beach Concept Plan.



Alderman R. Wheeler  
Chairperson  
Hamilton Beach Implementation Committee

FINANCIAL IMPLICATIONS

N/A)

BACKGROUND

- In November 1987 City Council adopted the Hamilton Beach Concept Plan which changed the policy for Hamilton Beach from Open Space to Mixed Use to preserve the community.



- Collection of data for the neighbourhood plan has been started. The Plan is due to be finished next Fall.
- The original intention was to prepare an Official Plan Amendment after the neighbourhood plan was prepared.
- The unanimous recommendation of the Beach Implementation Committee is to proceed with the Official Plan Amendment as soon as possible for the following reasons:
  - the Official Plan would formalise an already adopted policy
  - further assurance would be given that the community will be preserved
  - further assurance would be given to the Province about the future of the Beach. This will be important when the Province is considering sewer funding.
  - information would be given to those who are uncertain about the future of the Beach or who still believe the Beach is to be used for Open Space.

DG/dkp

Attach.

WP 0056P

FOR ACTION

7a.

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

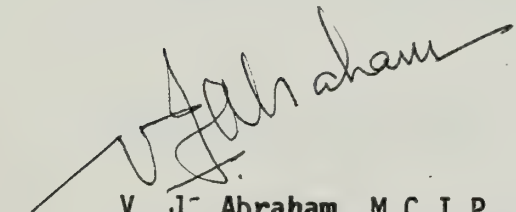
DATE: 1988 August 02  
COMM FILE:  
DEPT. FILE: P6-2-62  
P5-2-60

SUBJECT:

Hamilton Beach Implementation Committee request for Official Plan Amendment.

RECOMMENDATION

- a) That the preparation of an Official Plan Amendment for the Hamilton Beach Concept Plan be held in abeyance, pending the outcome of a neighbourhood plan study for the area.
- b) That should the Planning and Development Committee wish to proceed at this time with an Official Plan Amendment to reflect the Hamilton Beach Concept Plan, then the recommendation contained in the Hamilton Beach Implementation Committee report be endorsed.

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

  
J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The Hamilton Beach Concept Plan (adopted 1987) was to function as the basis for further, more detailed planning of the Beach. In particular, it was intended that a neighbourhood plan would be prepared followed by the necessary amendment to the Official Plan.

However, the Hamilton Beach Implementation Committee is requesting the City to proceed with an Official Plan Amendment at this time, without the benefit of the neighbourhood planning process. This approach will necessitate the preparation and approval of a second Official Plan Amendment to incorporate the land use and policy findings of the Neighbourhood Plan, not envisaged in the Concept Plan or the first Amendment.


It is the preference of the Planning and Development Department to prepare a single comprehensive Official Plan Amendment to coincide with the finalization of the Neighbourhood Plan. Thereby the Amendment would have the benefit of:

- the detailed findings of the neighbourhood planning process; and,
- the combined use of public meetings for the neighbourhood plan and official plan amendment.

This approach is more efficient by eliminating the duplications in terms of staff resources, public meetings, associated costs, and time in the processing of two Official Plan Amendments.

#### CONCLUSION

However, should the Planning and Development Committee wish to proceed at this time with the request of the Hamilton Beach Implementation Committee, the Department should be directed to undertake the amendment and related processing procedures (i.e. public meeting, Regional Official Plan Amendment request). Otherwise, the amendment should be prepared to coincide with the finalization of the Neighbourhood Plan.

  
ALG/dkp

WP 0021P

FOR ACTION

8.

REPORT TO: Mrs. S.K. Reeder, Secretary,  
Planning & Development Committee

FROM: K. A. Rouff, City Solicitor

DATE: 1988 August 11

COMM FILE:

DEPT FILE: 130-53.1

SUBJECT:

Amendment to Zoning By-law No. 6593 respecting definition of "family".

RECOMMENDATION

That the attached draft by-law be enacted by City Council.

*K. A. Rouff*  
\_\_\_\_\_  
*FR*

FINANCIAL IMPLICATIONS (IF NONE, STATE N/A)

N/A

BACKGROUND

With the adoption of Section 29 of the 16th Report of the Planning and Development Committee, City Council at its meeting held on July 26, 1988 directed the City Solicitor to prepare the necessary by-law for presentation to Committee and Council.

The effect of the by-law is to revise the definition of "family" to prohibit more than 5 unrelated persons from living together as a family in a single family dwelling unit.

- c.c. Mr. J. J. Zipay, Division Head,  
Development & Urban Design Division,  
Planning & Development Department
- c.c. Mr. P. Kuppe, Building Commissioner
- c.c. Mr. J. A. Gartner, Director,  
Regional Planning Division,  
Provincial Office Tower





FOR ACTION

9.

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 August 11  
COMM FILE:  
DEPT. FILE: CI-88-I

SUBJECT:

Amendment to Zoning By-law No. 6593 - "Family" definition

RECOMMENDATION

(a) That Section 29 of the SIXTEENTH report for 1988 of the Planning and Development Committee be rescinded and replaced with the following:

1. That Section 2 of Zoning By-law No. 6593 be amended to provide for the following definition of "family"

"Family shall mean":

1. one person, with or without the accommodation of not more than three lodgers, or,
2. any number of persons related to each other by blood, marriage, legal adoption, or foster parentage, with or without the accommodation of not more than three lodgers, or,
3. any number of persons, two of whom live together in a conjugal relationship outside marriage and either one or both of whom are related to the remainder by blood, marriage, or legal adoption, or foster parentage, with or without the accommodation of not more than three lodgers, or,
4. five or fewer persons, irrespective of the relationship if any between them,

occupying premises and living as a single housekeeping unit;

but does not include a person or group of persons occupying:

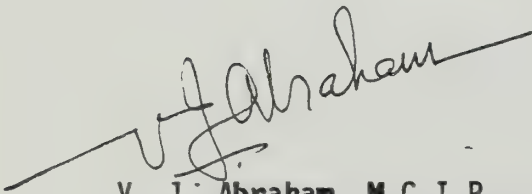
a residential care facility, a short term care facility, a room or suite in a hotel, hostel, or lodging home, tourist home and any institutional accommodation.

- b) That appropriate changes be made to other sections of the Zoning By-law to comply with the intent of the "family" definition.
- c) That the City Solicitor be requested to prepare a By-law for submission to the Planning and Development Committee and Council.

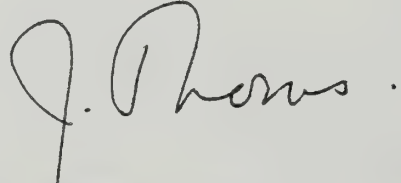
### EXPLANATORY NOTE

Minor amendments to Council's resolution is required to ensure the intent of the By-law is maintained.

In addition, the new "family" definition will affect other sections of the By-law not only Section 2 - Interpretations and Definitions. Accordingly, a new resolution is required to incorporate these additional changes.



V. J. Abraham, M.C.I.P.  
Director of Local Planning



J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

### FINANCIAL IMPLICATIONS

N/A

### BACKGROUND

On July 26, 1988, City Council approved an amendment to the "family" definition contained in Zoning By-law No. 6593.

Minor amendments to the approved Council resolution are required to ensure that the intent of the By-law is maintained.

Further, after careful analysis of the Zoning By-law, it is evident that the "family" definition affects other sections of the Zoning By-law. For example, the by-law, as proposed, would allow the accommodation of six lodgers (three under the definition of "family" and three lodgers as currently permitted in the district provisions). Clearly, the intent is to limit the number of lodgers in a single family dwelling unit to three. Therefore, it is necessary to amend the relevant sections to ensure that consistency has been maintained throughout the By-law.

A report outlining the additional By-law changes as well as The Bill (draft By-law) amending all sections of the Zoning By-law will be forwarded to the next Planning and Development Committee meeting.

JH/ma

WP0217P

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 88-

TO AMEND

ZONING BY-LAW 6593

RESPECTING:

DEFINITION OF "FAMILY"

WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 6593 on the 25th day of July, 1950, being the Zoning By-law;

AND WHEREAS said Zoning By-law No. 6593 was approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 29 of the 16th Report of the Planning & Development Committee at its meeting held on the 26th day of July, 1988, directed that Zoning By-law No. 6593 be amended to provide for a revised definition of "family";

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection (2) J. (vii) of Section 2 of By-law No. 6593 is repealed, and the following is substituted therefor:

(vii) "Family" shall mean:

1. one person, with or without the accommodation of not more than three lodgers, or
2. any number of persons related to each other by blood, marriage, legal adoption, or foster parentage, with or without the accommodation of not more than three lodgers, or
3. any number of persons, two of whom live together in a conjugal relationship outside marriage and either one or both of whom are related to the remainder by blood, marriage, or legal adoption, or foster parentage, with or without the accommodation of not more than three lodgers, or
4. five or fewer persons, irrespective of the relationship if any between them,

occupying premises and living as a single housekeeping unit, but does not include a person or group of persons occupying:

a residential care facility, a short-term care facility, a room or suite in a hotel, hostel, or lodging home, tourist home and any institutional accommodation.

2. In all other respects, Section 2 of By-law No. 6593 is hereby confirmed unchanged.

PASSED this                      day of                      A.D. 1988.

City Clerk

Mayor

(1988) 16 R.P.D.C. 29 July 26  
C-88-1





FOR ACTION

10.

REPORT TO: SUSAN K. REEDER, SECRETARY OF THE  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS  
COMMISSIONER  
PLANNING AND DEVELOPMENT

DATE: 1988 JULY 18  
COMM FILE:  
DEPT FILES: SA-86-20  
25T-86032

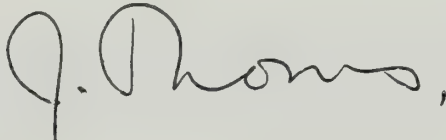
SUBJECT

Proposed Draft Plan of Subdivision "Gagliano Gardens Addition"

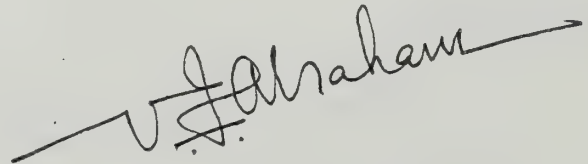
RECOMMENDATION

- a) That approval be given to application SA-86-20, Di Cenzo Construction Company Limited, owner, to establish a draft plan of subdivision north of Rymal Road East, west of Upper Gage Avenue, subject to the following conditions:
1. That this approval apply to the plan prepared by A. J. Clarke and Associates, dated July 24, 1986, showing 41 lots and 4 blocks, revised to align Street "B" with the future street on the abutting lands.
  2. That the owner acquire sufficient land to establish all streets in full and the streets be dedicated as public highways on the final plan.
  3. That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
  4. That the final plan conform with the Zoning By-law approved under The Planning Act.
  5. That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
  6. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
  7. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
  8. That the dead-ends and open side of the road allowances (Blocks "44" to "48" inclusive) created by the plan be terminated in 0.3m reserves to be conveyed to the City of Hamilton and to be held by the City until required for the extension of the road allowances or for the development of abutting lands.

9. That Blocks "42" and "43" be developed only in conjunction with abutting lands.
10. That the owner shall erect a sign in accordance with Section X of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
11. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- b) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-86-20), DiCenzo Construction Company Ltd., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.



J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development



V. J. Abraham, M.C.I.P.  
Director - Local Planning

## BACKGROUND

### Owner

DiCenzo Construction Company Limited, Stoney Creek, Ontario

### Surveyor

A. J. Clarke and Associates, Hamilton, Ontario

### Location

The lands, comprising 2.244 ha, are located in the area north of Rymal Road East, west of Upper Gage Avenue in the Eleanor Neighbourhood, City of Hamilton.

### Proposal

The owner proposes to subdivide the lands into 41 lots for single family dwellings and 2 blocks for future development in conjunction with adjacent lands. All lots will front onto new streets to be established in compliance with the approved neighbourhood plan. The minimum lot width proposed is 12.2m and the minimum lot area is approximately 370m<sup>2</sup>.

### EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated "Residential - single and double". The proposal complies.

Zoning - the lands are zoned "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District (proposed Lots 39-41 inclusive). The bulk of the lands will require a by-law amendment to rezone the lands.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

### COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the proposal:

Ministry of Municipal Affairs,  
Ministry of Transportation,  
Ministry of the Environment,  
Ministry of Natural Resources,  
Ministry of Citizenship & Culture,  
Niagara Escarpment Commission,  
Hamilton Region Conservation Authority,  
Ontario Hydro, Union Gas, Bell Telephone,  
City of Hamilton Board of Education,  
Hamilton-Wentworth Separate School Board,  
City Traffic Department,  
City Building Department (subject to rezoning and road access).

The Hamilton-Wentworth Department of Engineering has submitted the following comments:

- "1. The development of this subdivision is dependent upon sewers and watermains being extended to these lands from both the east and west. Development is also dependent on roadway access being established up to the limits of the subject lands.
2. Lots 1 to 32, 39 to 41 and Blocks "42" to "43" will be serviced to the existing sewers located at Eaglewood Drive and Sinena Avenue. Lots 33 to 38 are to be serviced by sewers to be installed from the west.

The Region's share of the cost for services in this subdivision is expected to be nil.

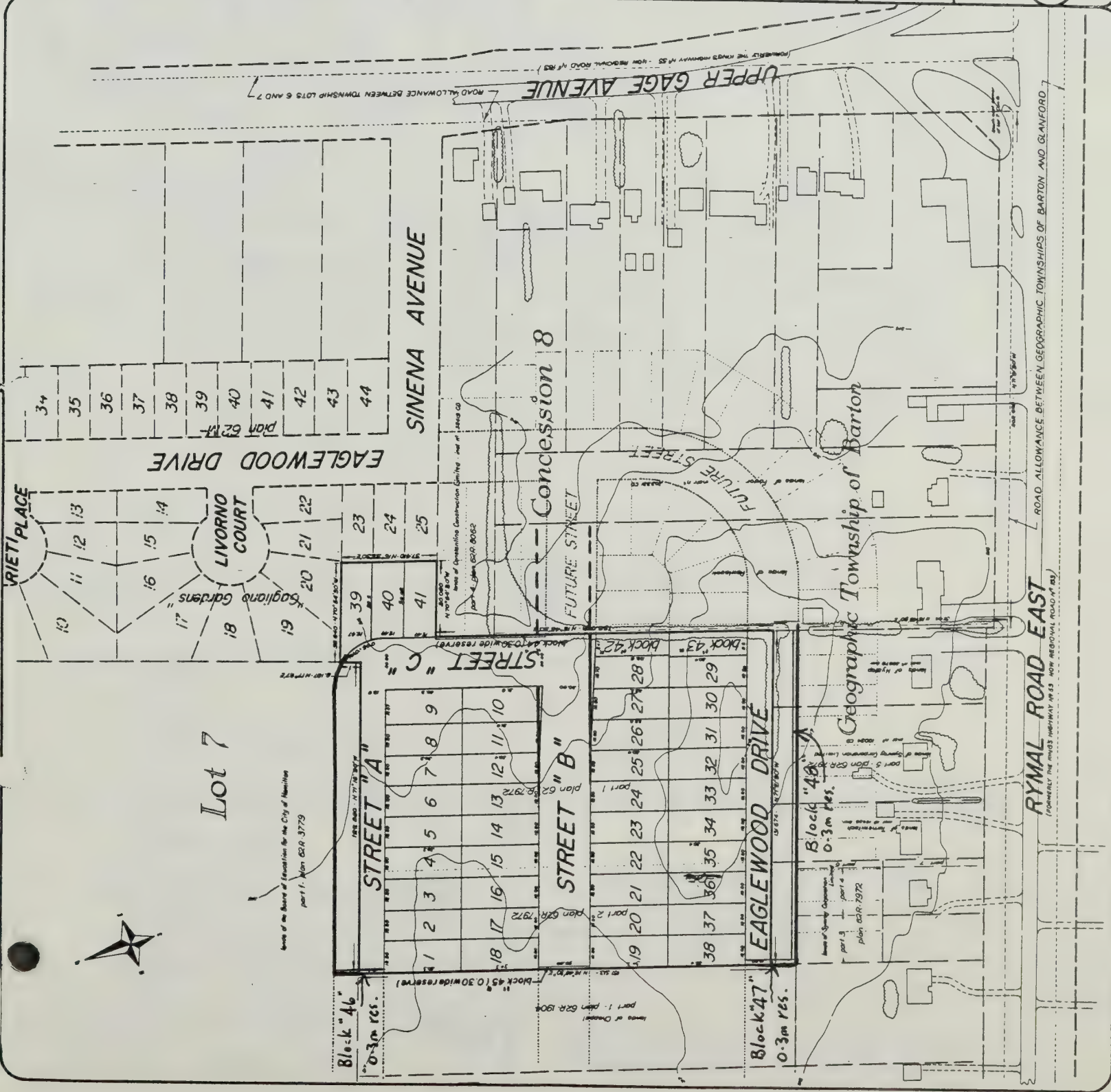
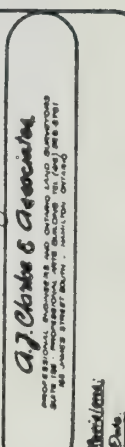


3. Street "A" and Eaglewood Drive are to be established to their full widths prior to or in conjunction with the development of Lots 1 to 9, Lots 29 to 38 and Block "43" respectively. Please note that the City of Hamilton owns sufficient lands along the north limit of Street "A" to establish this road allowance.
4. The proposed neighbourhood plan for the lands to the east proposes a horizontal curve radius for Eaglewood Drive that is well below the minimum 110 metre recommended centre line radius. Therefore, we recommend that prior to the approval of this draft plan, the Neighbourhood Plan should be revised to meet the minimum design considerations as outlined in the attached letter. The alignment of Eaglewood Drive in this proposed draft plan will also have to be revised accordingly.
5. Reserves are to be established at the dead ends and open sides of the road allowances.
6. The Subdivider is to enter into subdivision agreements with the City of Hamilton and the Hamilton-Wentworth Region prior to the development of any portion of the lands.
7. The submitted plan as prepared by A. J. Clarke, O.L.S. and dated July 24, 1986, is satisfactory subject to the above-referenced comments and recommendations."

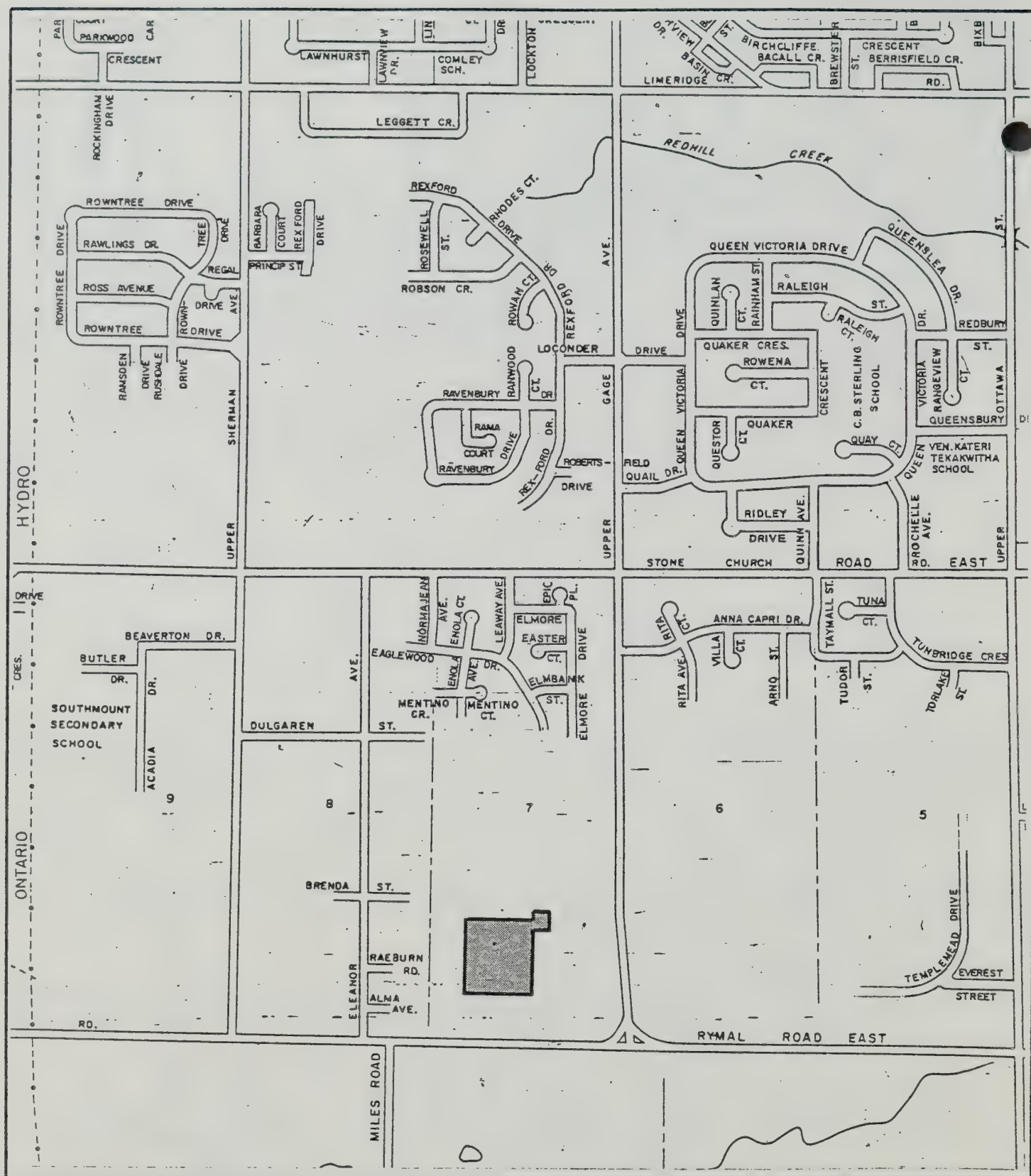
#### COMMENTS

1. The conformity of the proposal with the Official Plans and the need for an amendment to the zoning by-law to rezone the bulk of the lands is noted.
2. As the lands do not form part of a park or recreational site on the approved neighbourhood plan, it is recommended that the parkland requirement for this subdivision be taken as cash-in-lieu of land.
3. With regard to Item 4 of the Department of Engineering comments, this matter has been resolved and the neighbourhood plan amended by City Council, in dealing with the draft plan of subdivision for the abutting lands to the east, i.e. Eaglewood Manor Subdivision.
4. Minor "red-line" revision to the plan is required to align the easterly end of proposed Street "B" with the street on the draft approved plan to the east, otherwise the proposed draft plan can be supported.

CMD/jd







# GAGLIANO GARDENS ADDITION

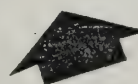
Regional Municipality of Hamilton-Wentworth  
Planning and Development Department

## Legend



PROPOSED SUBDIVISION

North



Scale

1" = 1000'

Date

AUGUST 19, 1986

Reference File No.

25T-86032

Drawing No.

86-H-172

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 August 2  
COMM FILE:  
DEPT. FILE: P5-7-1

SUBJECT:

Official Plan Conformity with the Niagara Escarpment Plan - Project Proposal.

RECOMMENDATION

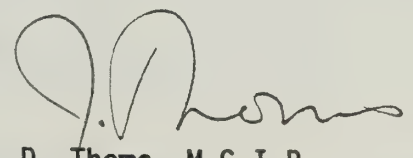
That the Planning and Development Committee recommend to Council that:

- the attached "City of Hamilton Official Plan Conformity with the Niagara Escarpment Plan - Project Proposal" be endorsed;
- the City Clerk be requested to forward the Project Proposal to Regional Council for their endorsement; and,
- upon Regional Council endorsement, the Project Proposal be submitted to the Ministry of Municipal Affairs as the City's formal application for funding to undertake the conformity exercise.

FINANCIAL IMPLICATIONS

Funding will be available from the Ministry of Municipal Affairs for a portion of the projected \$10,000.00 cost of the project.

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

  
J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

EXPLANATORY NOTE

The Ministry of Municipal Affairs has requested the City advise if funding assistance will be required to bring the City's Official Plan into conformity with the Niagara Escarpment Plan (approved June 12, 1985). In response, a project proposal has been prepared which forms the basis for the City's formal application for funding to undertake such an exercise. The Ministry requires the endorsement of the project proposal by the City and Region's Council prior to submission.



## REPORT BACKGROUND

The Niagara Escarpment Plan was approved by the Ontario Cabinet on June 12, 1985. The Niagara Escarpment Planning and Development Act requires that all local official plans be brought into conformity with the Niagara Escarpment Plan. The Minister of Municipal Affairs, on March 30, 1988, issued an order under the Niagara Escarpment Planning and Development Act resolving the conflict between the Hamilton-Wentworth Official Plan and the Niagara Escarpment Plan. The issuing of this order now allows for the various area Official Plans to be brought into conformity. The Ministry of Municipal Affairs is now requesting municipalities to advise if funding assistance is required to bring local Official Plans in conformity.

## PROJECT PROPOSAL

The proposal to undertake the task of bringing the City of Hamilton's Official Plan into conformity with the Niagara Escarpment Plan details the background, purpose and objectives, approach, timing, costs and staffing.

Briefly, this exercise will involve:

- setting up a working committee comprised of staff from the City, the Region, the Ministry of Municipal Affairs and the Niagara Escarpment Commission;
- reviewing the City's Official Plan and the Niagara Escarpment Plan to identify areas where the two conflict;
- identifying the means the conflicts can be best resolved and how to incorporate the policies of the Niagara Escarpment Plan into the City's Official Plan; and,
- responding to the Minister's proposals on resolving the conflicts (previously identified by the working committee).

It is anticipated that this exercise will take approximately six months of elapsed time to complete with the actual time spent to be 42 days of professional staff time. Cost of this task is estimated to be approximately \$10,000.00. The Ministry has indicated that a portion of this study will be eligible for funding assistance.

## CONCLUSION

Given the Minister's request, it is now appropriate to submit the attached Project Proposal to the Ministry of Municipal Affairs as a formal application for funding to undertake the task of bringing the City's Official Plan in conformity with the Niagara Escarpment Plan. The Ministry requires the endorsement of this Project Proposal by City and Regional Councils.



C.F.:nd  
W.P. DOC. 0022P

CITY OF HAMILTON OFFICIAL PLAN CONFORMITY

WITH THE

NIAGARA ESCARPMENT PLAN

PROJECT PROPOSAL

Prepared by

The Regional Municipality of Hamilton-Wentworth

Planning and Development Department

on behalf of:

The City of Hamilton

June 1988

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## 1.0 INTRODUCTION

The purpose of this proposal is to:

- define the objectives of the Study;
- define the approach to be taken;
- detail the associated costs, timing and staff requirements; and,
- present a formal request for funding assistance from the Ministry of Municipal Affairs on behalf of the City of Hamilton.

## 2.0 BACKGROUND

The Ontario Cabinet approved the Niagara Escarpment Plan (N.E.P.) on June 12, 1985. This Plan includes land use policies and definitions, development criteria, definitions, provision of a Niagara Escarpment Parks System and implementation procedures all necessary to protect the Niagara Escarpment.

Once the N.E.P. is approved, the Niagara Escarpment Planning and Development Act requires certain actions to be undertaken to bring local Official Plans into conformity with the N.E.P. including:

- identifying the areas where the local Official Plan is in conflict with the N.E.P.;
- resolving, through consultation with the Ministry of Municipal Affairs and the Niagara Escarpment Commission, those areas of conflict identified; and,
- incorporating the necessary changes into the local Official Plan.

The City of Hamilton's Official Plan, approved by the Minister of Municipal Affairs and Housing on June 1, 1982, recognizes the Niagara Escarpment as a unique feature in the community whose attributes should be protected and preserved. In so doing, the policies of the Official Plan reflect those of the draft Niagara Escarpment Plan of 1980. Since that time, and the approval of the N.E.P. in 1985, the Plan was revised and updated. The Hamilton Official Plan will, therefore, require modification to reflect the approved N.E.P.

## 3.0 PURPOSE AND OBJECTIVES

Given:

- the approval of the Niagara Escarpment Plan in 1985; and,
- the policies in the Hamilton Official Plan pertaining to the Niagara Escarpment were based on a previous draft plan,

it is therefore appropriate to undertake a study to bring the Hamilton Official Plan into conformity with the approved Niagara Escarpment Plan.



In this regard, the objectives of this study are to:

- identify, those policies of the City of Hamilton's Official Plan which conflict with the Niagara Escarpment Plan;
- resolve these conflicts by identifying the changes to the Official Plan necessary to bring the Plan into conformity with the Niagara Escarpment Plan; and,
- request the Minister of Municipal Affairs to approve the necessary changes,

all in consultation with the Ministry of Municipal Affairs and the Niagara Escarpment Commission.

#### 4.0 APPROACH

The following approach is proposed as the basis for realizing the above-noted objectives. Since this exercise not only involves the Ministry of Municipal Affairs, Niagara Escarpment Commission and Municipal staff, but the Regional Municipality of Hamilton-Wentworth in the area of conformity with the Region's Official Plan, it appears appropriate to set up a working committee to oversee this exercise.

The staff of the Local Planning Division, who act as consultant for the City of Hamilton, will take a leading role with the working committee in co-ordinating this exercise and ensuring the City's interests are best served.

A three-phased approach is proposed in accordance with the "Niagara Escarpment Plan and Official Plan Conformity" booklet (Ministry of Municipal Affairs - March 1988), and will be organized as follows:

- Phase I - Conflict Identification

The working committee will undertake a detailed review of the City of Hamilton Official Plan and the Niagara Escarpment Plan to determine areas of conflict. This exercise will involve comparing the City's current Official Plan policies and land use designations pertaining to the Niagara Escarpment, with the corresponding policies and designations in the Niagara Escarpment Plan.

- Phase II - Conflict Resolution and Incorporation

The working committee will prepare recommendations on how the conflicts can be resolved and how to incorporate the Niagara Escarpment Plan into the City's Official Plan. These recommendations may include:

- retaining compatible Official Plan provisions;
- making changes to the City's Official Plan and discussing the implications of the Niagara Escarpment Plan policies; and,

- addressing conformity with the Hamilton-Wentworth Official Plan.

A draft document will be prepared detailing the recommended changes which are acceptable to the representatives from Ministry of Municipal Affairs, the Niagara Escarpment Commission, Hamilton-Wentworth Region and the City. This document will form the basis of the Minister's proposal to City Council.

- Phase III - Council Resolution

City Council will be requested to respond to the Minister's proposal by resolution. This will include staff's final review and preparation of the necessary reports to Planning and Development Committee and Council, as well as making the appropriate changes to the Official Plan.

## 5.0 TIMING

It is anticipated that this exercise will take approximately six months of elapsed time to complete. The actual staff time spent during this three month period is estimated to be 42 days of professional staff time.

## 6.0 COSTS

The cost estimate for this exercise, based on the Approach is \$10,000.00 (see see Table attached). This cost estimate consists of a manpower cost figure, based on the average rate by position (e.g. - Planner, Planning Technician) plus cartographic and administrative costs charged by the Region for Planning services.

## 7.0 STAFFING

This exercise is being undertaken by the staff of the Planning and Development Department (Local Planning Branch) of the Regional Municipality of Hamilton-Wentworth who act as planning consultants to the City of Hamilton.

The staff involved will include:

- the Division Head, Policy and Neighbourhood Planning;
- Planner I - Policy Planning and Analysis Section; and,
- Planning Technician - Policy Planning and Analysis Section.

This team will be augmented by the Commissioner, and the Director of Local Planning who will function as advisors.

TABLE I

COST ESTIMATE:

Phase I

Conflict Identification

DH*	1 day		
PI**	3 days		
PT***	5 days		
		9 days	\$1,900.00

Phase II

Conflict Resolution

DH	4 days		
PI	9 days		
PT	13 days		
		26 days	\$5,600.00

Phase III

Council Resolution

DH	1 day		
PI	2 days		
PT	4 days		
		<u>7 days</u>	<u>\$1,500.00</u>

Sub Total	42 days	\$9,000.00
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Tech. & Cart.		<u>\$1,000.00</u>
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TOTAL		<u>\$10,000.00</u>
-------	--	--------------------

\* Division Head - Policy and Neighbourhood Planning

\*\* Planner I

\*\*\* Planning Technician

Task

Phase I  
Conflict  
Identification

Phase II  
Conflict  
Resolution

Phase III  
Council  
Resolution

ESTIMATED TIMING

1	August	5	September	3	October	7	November	5	December	2	January
8	<u>15</u>	<u>12</u>	<u>19</u>	<u>10</u>	<u>17</u>	<u>14</u>	<u>21</u>	<u>12</u>	<u>19</u>	<u>9</u>	<u>16</u>
22	29	26	31	24	31	28	26	23	30		





Office of the  
Deputy Minister

Bureau du  
Sous-ministre

Ministry of  
Municipal  
Affairs

Ministère des  
Affaires  
municipales

May 11, 1988

His Worship  
Mayor R. Morrow  
City of Hamilton  
71 Main Street West  
Hamilton, Ontario  
L8N 3T4

PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH				
TO	STAFF	INIT.	INFO.	ACT.
DIR.				
PP & A				
NEIGH.				
DEV.				
E. & U.D.				
S T A F F				
CART.				
ADMIN.				

Street  
Toronto, Ontario  
M5G 2E5

777, rue Bay  
Toronto (Ontario)  
M5G 2E5

Dear Mayor Morrow:

I am pleased to provide the attached program outlines for Niagara Escarpment Plan and Official Plan Conformity exercises. The information has been prepared in response to requests received from delegates at the Niagara Escarpment Municipal Forums held at Burlington and Kimberley during November 1987.

Official plan conformity is a very important aspect of the implementation of the Niagara Escarpment Plan. Most importantly for your municipality, the conformity process establishes the relationship of your municipal policies to those of the Niagara Escarpment Plan. This, in turn, forms the basis for greater municipal responsibility for implementation and the control of development.

The initial conformity exercises are almost complete and have provided the experience necessary to streamlining the process. Ministry staff will be contacting your municipality this spring to discuss opportunities for undertaking a conformity exercise for the City of Hamilton Official Plan. Once you have had an opportunity to consider the attached outline, I would appreciate being advised if your municipality will require funding assistance to participate in the conformity exercise.

His Worship R. Morrow

Ministry and Niagara Escarpment Commission staff are always available to answer your questions regarding Official Plan Conformity or any other aspect of the Niagara Escarpment Program. They may be reached at the numbers listed at the back of the program outline.

Yours truly,

ORIGINAL SIGNED BY:  
DONALD A. OBONSAWIN

Donald A. Obonsawin  
Deputy Minister

cc. Mr. V. Abraham, Director of Planning,  
City of Hamilton

SEQ. N/A  
LINDA TENNANT  
PAB C&SW

MINISTRY OF MUNICIPAL  
AFFAIRS

MAY 2 1988  
ASSISTANT DEPUTY MINISTER  
COMMUNITY PLANNING



# THE NIAGARA ESCARPMENT PLAN AND OFFICIAL PLAN CONFORMITY

MINISTRY OF MUNICIPAL AFFAIRS

MARCH 1988



Ministry of  
Municipal  
Affairs





THE NIAGARA ESCARPMENT PLAN

AND

OFFICIAL PLAN CONFORMITY

MINISTRY OF MUNICIPAL AFFAIRS

MARCH 1988

## INTRODUCTION

The Niagara Escarpment Plan was approved by cabinet on June 12, 1985. It contains land use policies and designations, development criteria, definitions, provisions for a Niagara Escarpment Parks System, and directions for implementation.

Plan policies deal specifically with those aspects of planning necessary to protect the Niagara Escarpment. In many respects, these policies are similar to those found in municipal official plans. They were designed this way so that they could be included in local official plans through a conformity exercise.

The Ministry of Municipal Affairs is responsible for bringing official plans into conformity with the Niagara Escarpment Plan, and is assisted by the Niagara Escarpment Commission. This enables the Ministry to co-ordinate the conformity exercise with other municipal initiatives (such as the preparation of a new official plan, or a major update or the resolution of unapproved portions of existing official plans).

We know you have questions about the relationship of your municipal plan and the Niagara Escarpment Plan, and the conformity process. This publication is designed to answer many of them and to discuss why and how these policies will be introduced into your official plan through a conformity exercise.

## WHAT IS CONFORMITY?

The Niagara Escarpment Planning and Development Act sets out provisions respecting municipal official plans, by-laws and undertakings. The Implementation Proposals released with the Niagara Escarpment Plan summarize these provisions:

No municipality or local board, and no ministry shall undertake any improvement of a structural nature or any undertaking that conflicts with the Plan.

No by-law shall be passed that conflicts with the Plan.

The Minister of Municipal Affairs upon application of a council, may deem a by-law, improvement or undertaking as not being in conflict with the Plan.

The provisions of the Niagara Escarpment Plan prevail over a municipal official plan or a by-law where conflict exists.

Simply put, the provincial plan does not completely override a municipal document; but does prevail in situations of conflict. Therefore, it is necessary to identify conflict to determine the policies applicable to each municipality. For instance, conflict may be found where municipal severance policies are more permissive, where there are differences in mapping and land use designations or definitions used, or perhaps with the overall intent of a policy.

Section 15 of the Act sets out a process for conflict identification and resolution. This process is called the conformity exercise.

## WHAT IS THE PROCESS?

Under Section 15 of the Act, the Minister of Municipal Affairs is responsible for identifying conflicts between an official plan or zoning by-law and the Niagara Escarpment Plan, and initiating actions to resolve them.

The process for achieving conformity is described as follows:

Ministry staff consult with the municipality to determine format and time-frame;

Ministry staff, assisted by the Niagara Escarpment Commission and municipal representatives, establish a mechanism to resolve conflict;

The Minister advises council of the particulars of the conflict and makes a proposal for resolution of it; and

Following council consideration, the Minister amends the official plan to incorporate the Niagara Escarpment Plan provisions by Order under the Niagara Escarpment Planning and Development Act, and/or an approval or further approval, with modifications, under the Planning Act.

**Consultation** is the key to this process. Before undertaking a conformity exercise, Ministry staff will initiate discussions with the municipality to determine the timing and format for the exercises.



These discussions include matters such as:

will the process fit the municipality's work program?

will planning staff or a consultant represent the municipality?

how will the local, or regional municipality, or county be involved?

when will the process start?

The Ministry emphasizes the importance of this exercise to produce a quality policy document as responsive as possible to local planning policy. It requires the coordination and cooperation of the municipality (local and regional or county), other Ministry branches, the Niagara Escarpment Commission, often other Ministries and agencies and, on occasion, the public or other private interests. It may take several months to complete.

## WHAT ARE THE ROLES AND RESPONSIBILITIES?

The Ministry of Municipal Affairs' Niagara Escarpment Implementation Team, assisted by the Niagara Escarpment Commission, is responsible for coordinating conformity exercises.

For most exercises, a working committee consisting of Ministry, Commission, and region or county and/or local municipal representatives has been established to identify and prepare recommendations to resolve conflict. Another method may be more appropriate for your municipality.

However, roles and responsibilities will be similar.

The Ministry of Municipal Affairs, with assistance from the Niagara Escarpment Commission, will coordinate the process and provide interpretation of the Niagara Escarpment Plan. The Ministry will prepare the Minister's proposal to council and the amending Order and/or Planning Act approvals, with needed legal advice provided by Legal Branch, Ministry of Municipal Affairs.

County / region / local municipal representation will vary depending on the documents involved and the format developed for the conformity process.

Municipal representatives will interpret official plan policies for conflict identification, participate in the resolution of issues, and recommend how to resolve conflict and incorporate the Niagara Escarpment Plan into the official plan. The representative will also be responsible for liaison with council.

Region / county representatives will also be responsible for liaison with local municipalities during a regional / county official plan process where local representation may not be required. Where a regional or county official plan exists, the region / county will be represented during local official plan processes to interpret regional / county official plan policies and to ensure proposed changes conform to the upper-tier official plan.

## HOW WILL CONFORMITY AFFECT THE OFFICIAL PLAN?

The proposed method of achieving conformity is incorporation of the Niagara Escarpment Plan into the official plan by Minister's Order under Section 15(2) of the Niagara Escarpment Planning and Development Act. However, other methods such as approval or further approval under the Planning Act may also be used, where appropriate.

The Minister's Order is used to amend **approved** official plans. This means official plans previously approved by the Minister will be changed without requiring an official plan amendment under the Planning Act. Public meetings or notices are not mandatory for changes made by Order. Therefore, care is taken to ensure that compatible official plan policies remain in effect, and that new policies beyond those of the Niagara Escarpment Plan are not introduced.

Approvals under the Planning Act will be used to resolve conflict with official plans that are **not yet approved**. This process may provide greater scope for revisions or additions to official plan policy, since these are still open to modification. Such a situation may occur during the preparation of a new official plan or major official plan update, or where portions of the official plan have been deferred. In this case, normal procedures under the Planning Act would apply.

The continuity of the Niagara Escarpment Plan and the uniform application of policy are important. Therefore, incorporation will involve those parts of the Niagara Escarpment Plan which can easily be included in the local official plan, such as land use policies and designations, development criteria, and definitions. In most cases, a summary of the parks policies will also be included.



The extent of the incorporation or detail incorporated into the official plan from the Niagara Escarpment Plan will depend on the form and function of the official plan.

For example, where both a regional or county official plan and a local official plan exist, incorporated provisions may be "split" between the two documents to reduce redundancy. The regional or county official plan may contain land use policies and designations, while the local official plan might include the development criteria and more detailed policies for specific areas such as Urban Areas, Minor Urban Centres or Escarpment Recreation Areas.

For incorporation, the exact wording of the Niagara Escarpment Plan may be used, or an alternative wording may be considered to reflect local circumstances if:

- changes are of a minor nature;
- changes maintain the general intent and purpose of the Niagara Escarpment Plan; and
- changes do not conflict with other provincial policies.

Conflict may be identified in situations where the existing official plan provisions allow a use not permitted by the Niagara Escarpment Plan. Conflict might also be identified where the official plan does not address a specific aspect of the development or environment included in the Niagara Escarpment Plan.

It is important to remember that the Niagara Escarpment Plan will be considered a minimum standard against which local plans will be evaluated.

Resolution of conflict establishes the relationship between existing official plan policies and the Niagara Escarpment Plan. To council, this is an important product of the exercise since it details which official plan policies will apply in specific situations or areas, and which will not.

## HOW WILL THE CONFORMITY EXERCISE WORK?

The conformity exercise undertaken by the working committee of Ministry of Municipal Affairs, Niagara Escarpment Commission and municipal staff will normally consist of three phases:

- Phase I - Conflict identification
- Phase II - Conflict resolution and incorporation
- Phase III - Council resolution

### I Conflict Identification

The committee will conduct a detailed review of the official plan and the Niagara Escarpment Plan to determine areas where conflict exists. The applicable official plan land use designations and policies will be compared to the corresponding land use designations and policies of the Niagara Escarpment Plan.

### II Conflict Resolution and Incorporation

The committee will then prepare recommendations on how to resolve the conflict and incorporate the Niagara Escarpment Plan into the official plan. These may retain compatible official plan provisions, include minor changes to the Niagara Escarpment Plan policies, and also address regional or county official plan conformity. A draft document detailing the changes or approach, acceptable to the Ministry, the Niagara Escarpment Commission and the municipal representatives will be prepared. This document will be the basis of the Minister's proposal to council.

### III Council Resolution

Council will be requested to respond to the Minister's proposal by resolution.

**WHEN WILL OUR OFFICIAL PLAN BE SCHEDULED?**

There are 32 official plans affected by the Niagara Escarpment Plan.

Initially, the Ministry targeted regional and county official plans and other municipalities where relatively new documents existed or major updates were being prepared under the Planning Act. These are now well on their way to completion and additional exercises are being initiated.

The next phases will include the remaining local official plans in the regions; local official plans in the counties; and new official plans or updates as they are prepared. If your municipality has yet to begin its conformity exercise, Ministry staff will contact you to discuss a schedule and work program.

HOW DOES "DEEMING" RELATE TO THE CONFORMITY EXERCISE?

Section 13(2) of the Niagara Escarpment Planning and Development Act allows the Minister, upon application by council, to deem a by-law, improvement or other undertaking (such as an official plan or amendment) as not being in conflict with the Niagara Escarpment Plan.

Deeming could be used when a conformity exercise is completed as assurance conflict has been resolved. Deeming will likely be used where there are no outstanding issues or deferrals to be resolved.

A deeming request should be made by council resolution. If the Minister is satisfied there are no conflicts with the Niagara Escarpment Plan, a deeming letter will be signed by the Minister. The letter may be included in the official plan in the same way as a Planning Act approval certificate.



**ANY QUESTIONS?**

For further information on the Conformity Exercises or other aspects of the Plan or its implementation, reference should be made to the Niagara Escarpment Planning and Development Act, the Plan and Implementation Proposals. Questions may also be directed to the Ministry or Niagara Escarpment Commission staff.

**CONTACTS AND RESOURCES:**

Ministry of Municipal Affairs  
Niagara Escarpment Program

Sarah Fraser  
Manager

(416) 585-6072

Niagara Escarpment Commission  
Plan Administration

Cecil Louis  
Manager

(416) 877-5191

FOR ACTION

12.

REPORT TO: SUSAN REEDER, SECRETARY  
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER  
PLANNING AND DEVELOPMENT DEPARTMENT

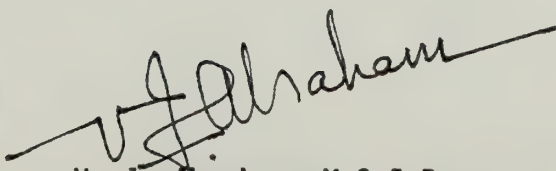
DATE: 1988 August 3  
COMM FILE:  
DEPT. FILE: 4480

SUBJECT:

Student Housing Task Force Recommendation - Publication of an Information Brochure.

RECOMMENDATION

1. That City Council direct the Planning and Development Department to include in the Department's 1989 Work Program, the preparation of a brochure for the general public containing:
  - a synopsis of the following City By-laws: Garbage and Snow Removal, Noise, Backyard and Property Standards, etc.; and
  - the name and phone number of the departments which enforce the By-laws.
2. That the City Council request McMaster University, with technical assistance from the City of Hamilton, to continue to publish brochures for students addressing the following:
  - \* outlining the students' rights and obligations under the City of Hamilton By-laws (Property Standards, Backyard, Noise, Traffic, Zoning and Licencing (Lodging Home), etc.);
  - \* listing the various City/Regional Departments and their responsibilities, and where a person can register a complaint;
  - \* promoting families to accept students as boarders;
  - \* hints on being a "good neighbourhood"
  - \* encouraging landlords and lodging home operators to assign and include in rental/lease agreements or other relevant documents, responsibilities for matters such as yard maintenance/snow shovelling, and to outline the number and locations of legal parking spaces per dwelling.

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

  
J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

## FINANCIAL IMPLICATIONS

Preparation of the Brochure	- \$2,100
Printing of 5000 brochures	- \$3,000

## BACKGROUND

At its meeting of June 15, 1988, the Planning and Development Committee requested the Planning and Development Department to investigate the cost of publishing an information brochure for distribution to the general public. The brochure would contain:

- a) a synopsis of the City of Hamilton By-laws relating to property; and,
- b) a list of the affected City/Regional Departments.

Recently, McMaster University prepared a similar brochure which gives a brief overview of the nature of the West Hamilton/Westdale Community, applicable City By-laws, and some tips on being a "good neighbour". The brochure is designed for students and the information contained within is oriented towards a students lifestyle. In addition, the University has a second brochure for students entitled "Housing in Hamilton". This brochure focuses on the Landlord and Tenant Act with some information on City By-laws.

Since both of the University brochures are for students, they do not contain sufficient information for general public interest and distribution.

On this basis, the City should publish an independent brochure for the public at large. The brochure should contain a brief synopsis on the following City By-laws as well as the City/Regional Departments which are responsible for enforcing them, and the applicable phone numbers:

- Snow Removal
- Garbage Removal
- Noise By-law
- Property Standards By-law
- Backyard By-law

## COSTS:

To prepare and publish the brochure, the following staffing and cost estimates have been identified.

### STAFF REQUIREMENTS

- Professional Staff  
(6 days)
- Support Staff  
(8 days)

STAFF COSTS	(14 days)	\$2,100
PRINTING	(5000 copies)	\$3,000

## CONCLUSION

Since the printing costs and staff resources for this project have not been included in this years work program, the preparation of the brochure would require that other planning projects be put on hold. In addition, there are no funds available within the department's budget for printing. Accordingly, it is more appropriate to include the preparation of the brochure in the 1989 Work Program.

In addition, to complement this initiative, McMaster University should be encouraged to continue publishing its brochures for students.

JH:ma/dkp

WP 0144P





THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Planning and Development Department  
71 Main Street West, Hamilton, Ontario L8N 3T4

JUN 30 1988

Reference No. 4480

Attention:

Mr. Reeder

June 30, 1988

Mrs. Susan Reeder  
City Clerks Department  
City Hall, Hamilton

Dear Mrs. Reeder:

Re: Student Housing Task Force Recommendation

In response to your memo dated June 21, 1988, the department is currently preparing the costing for the brochures. However, due to tight scheduling and staff shortage a report cannot be prepared for the July 13, 1988 Planning and Development Committee meeting. It will be forwarded to you for the August 17 meeting.

If you have any questions, please call Joanne Hickey at Ext. 4414.

Yours truly,

V.J. Abraham, M.C.I.P.  
Director of Local Planning

JH/ma  
WP0144P

# MEMORANDUM • CITY OF HAMILTON

TO : Mr. V. Abraham  
Director of Local Planning YOUR FILE:

FROM : Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee OUR FILE :

SUBJECT : Student Housing Task Force  
Recommendations DATE : 1988 June 21

As part of the recommendations which were considered by the Planning and Development Committee at their meeting held Wednesday, 1988 June 15th, a request was made for a staff report on the costing of an information brochure.

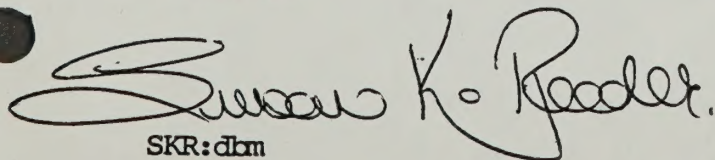
This information brochure, to be compiled in conjunction with McMaster University would be used at City Hall for distribution as well as by McMaster University. This brochure would address the following:

- (a) outlining the students and residents rights and obligations under the City of Hamilton By-laws (property standards, backyard, noise, traffic, zoning and licencing, Lodging Home) etc.
- (b) Listing the various City/Regional Departments and their responsibilities and where a person can register a complaint.
- (c) Promoting families to accept students as boarders.
- (d) Hints on being a good neighbour.
- (e) Encouraging landlords and lodging home operators to assign and include in rental/lease agreements or other relevant documents, responsibilities for matters such as yard maintenance/snow shoveling, and to outline the number and locations of legal parking spaces per dwelling.

The Planning and Development Committee requested that a report on this matter be forwarded to their next meeting which will be held Wednesday, 1988 July 13th.

During discussion on this matter it was suggested that corporate cost sharing could be sought in the production of such a brochure.

Would you please undertake the appropriate action with respect to reporting on this matter to the next meeting of the Planning and Development Committee.

  
SKR:dlm

# MEMORANDUM FOR THE DIRECTOR

TO : THE DIRECTOR  
FROM : [illegible]  
SUBJECT: [illegible]

1. [illegible]

2. [illegible]

3. [illegible]

4. [illegible]

5. [illegible]

6. [illegible]

7. [illegible]

8. [illegible]

9. [illegible]

10. [illegible]

11. [illegible]

12. [illegible]

13. [illegible]

14. [illegible]

15. [illegible]

[illegible signature]



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